~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Isaiah 55:8: “For my thoughts are not your thoughts nor are your ways my ways, says the Lord.”

Let us pray. Father in Heaven, be present with these Representatives on the path of life, to comfort and restore them. As we lay down our burdens, place Your mantle upon us and help us learn from You how to live. Be present in our lives to guide us. Bless our Nation, President, State, Governor, Speaker, staff, and all who support them. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those unseen. Hear our prayer, O Lord. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. BRANHAM moved that when the House adjourns, it adjourn in memory of R. L. "Red" McElveen of Lake City, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for Representative David Umphlett and his family.

**SILENT PRAYER**

The House stood in silent prayer for the family of Pvt. Cheziray Pressley of North Charleston, who was killed in Afghanistan.

**COMMUNICATION**

The following was received:

May 24, 2011

The Honorable Robert W. Harrell, Jr.

South Carolina House of Representatives

P.O. Box 11867

Columbia, SC 29211

Dear Speaker Harrell:

This letter is to notify you that as of June 29, 2011, at 12:00 p.m., I will be resigning as the Chairman of the House Rules Committee to fulfill my new duties as Chairman of the House Ways and Means Committee. The House Rules Committee will meet in the near future to elect its new chairman.

It has been an honor and a privilege to serve as Chairman of the House Rules Committee and I look forward to serving as Chairman of the House Ways and Means Committee.

Sincerely,

Brian White

Received as information.

**REPORT OF STANDING COMMITTEE**

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

S. 594 -- Senators Grooms and Verdin: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO DRIVING IN A TEMPORARY WORKZONE, TO EXPAND THE SIZE OF TEMPORARY WORKZONES.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4264 -- Reps. Horne, Murphy, Harrell and Knight: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SAMUEL ROBERT CLARK, PRINCIPAL OF ALSTON MIDDLE SCHOOL, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4265 -- Reps. G. M. Smith and Weeks: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE WILSON HALL BASEBALL TEAM FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR CAPTURING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4266 -- Reps. Norman, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO CONGRATULATE THE FORT MILL HIGH SCHOOL BOYS SWIM TEAM ON CAPTURING THE 2010 CLASS AAA STATE CHAMPIONSHIP TITLE AND TO RECOGNIZE THE SWIMMERS AND THEIR COACHES ON A SENSATIONAL SEASON.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4267 -- Reps. G. M. Smith, Weeks, J. H. Neal, G. A. Brown and Lowe: A CONCURRENT RESOLUTION TO HONOR WILLIAM T. "BILL" NOONAN, SUMTER COUNTY ADMINISTRATOR, UPON HIS RETIREMENT, TO THANK HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE PALMETTO STATE, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 907 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO COMMEND AND RECOGNIZE VIVIAN BYERLY UPON HER RETIREMENT AS LEGISLATIVE NURSE FOR THE GENERAL ASSEMBLY FOR HER YEARS OF EXEMPLARY SERVICE TO THE GENERAL ASSEMBLY, TO HER STATE, AND TO HER COMMUNITY, AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 908 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE MEMBERS AND PASTORS OF KENNERLY ROAD BAPTIST CHURCH, UPON THE OCCASION OF THEIR TWENTIETH ANNIVERSARY, FOR THEIR SIGNIFICANT MINISTRY IN THE COMMUNITY, AND TO WISH THEM MANY MORE YEARS OF SPIRITUAL PROSPERITY.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 916 -- Senators Thomas, Verdin, Anderson and Fair: A CONCURRENT RESOLUTION TO RECOGNIZE THE OUTSTANDING ATHLETIC ACHIEVEMENTS OF CHRIST CHURCH EPISCOPAL SCHOOL OF GREENVILLE COUNTY IN GARNERING FOUR STATE CHAMPIONSHIP TITLES IN ONE YEAR IN GIRLS TENNIS, BOYS GOLF, BOYS TENNIS, AND BOYS SOCCER; AND TO CONGRATULATE THE TEAMS, COACHES, AND SCHOOL OFFICIALS FOR AN UNMATCHED YEAR OF ATHLETIC PERFORMANCE.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 4268 -- Reps. McLeod, Frye, Parks and Pinson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-77-165 SO AS TO PROVIDE THAT IF A MOTOR VEHICLE COLLISION OR COMPREHENSIVE LOSS IS SUFFERED BY AN INSURED, AN INSURER PROVIDING RENTAL VEHICLE REIMBURSEMENT COVERAGE SHALL NOT REQUIRE THAT THE INSURED UTILIZE A PARTICULAR RENTAL VEHICLE COMPANY, RENTAL VEHICLE COMPANY LOCATION, OR A VENDOR ENGAGED IN THE BUSINESS OF RENTING OR LEASING MOTOR VEHICLES, AND TO PROVIDE THAT A VIOLATION OF THIS SECTION BY AN INSURER IS CONSIDERED AN UNFAIR TRADE PRACTICE WITHIN THE MEANING OF SECTION 38-77-341.

Referred to Committee on Labor, Commerce and Industry

H. 4269 -- Rep. Sandifer: A BILL TO AMEND SECTION 37-3-202, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADDITIONAL CHARGES ASSOCIATED WITH CONSUMER LOANS, SO AS TO INCLUDE A CHARGE FOR THE ACTUAL COST INCURRED BY A LICENSEE FOR PROCESSING AN AUTOMATED CLEARING HOUSE PAYMENT AND A CHARGE FOR THE ACTUAL COST INCURRED BY A LICENSEE FOR PAYMENTS MADE BY CONSUMERS VIA CREDIT OR DEBIT CARDS.

Referred to Committee on Labor, Commerce and Industry

H. 4270 -- Reps. McLeod, Pinson, Parks, Agnew, Gambrell, Spires, Frye, Funderburk, Hodges, Bowers, Howard and Sellers: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO FREE PUBLIC SCHOOLS, SO AS TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE FOR A HIGH-QUALITY EDUCATION FOR ALL CHILDREN OF THE STATE.

Referred to Committee on Judiciary

H. 4271 -- Reps. Erickson, Allison, Horne, Thayer, Henderson, Brady and Long: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES AND USE TAX EXEMPTIONS, SO AS TO DELETE EFFECTIVE JULY 1, 2012, EXEMPTIONS, FOR ALL SALES EXCEPT THOSE EXEMPT PURSUANT TO THE CONSTITUTION AND LAWS OF THIS STATE AND THE UNITED STATES, SALES OF UNPREPARED FOOD, SALES OF PRESCRIPTION DRUGS, SALES OF ELECTRICITY AND HEATING FUELS FOR RESIDENTIAL PURPOSES, AND SALES OF DURABLE MEDICAL EQUIPMENT; BY ADDING SECTION 12-36-915 SO AS TO REDUCE THE STATE SALES TAX RATE FROM SIX PERCENT TO 3.85 PERCENT, TO PROVIDE THAT THE SOUTH CAROLINA EDUCATION IMPROVEMENT ACT OF 1984 FUND AND THE HOMESTEAD EXEMPTION FUND MUST NOT RECEIVE LESS FUNDING THAN THEY RECEIVED IN FISCAL YEAR 2011-2012 AND MUST BE INCREASED EACH FISCAL YEAR BY THE PERCENTAGE INCREASE IN SALES TAX REVENUES; BY ADDING SECTION 12-36-925 SO AS TO REDUCE THE STATE ACCOMMODATIONS TAX FROM SEVEN PERCENT TO FOUR AND ONE-HALF PERCENT, TO PROVIDE THAT THE FUNDS CREDITED TO POLITICAL SUBDIVISIONS FOR TOURISM RELATED PURPOSES MUST NOT BE LESS THAN THE AMOUNT CREDITED IN FISCAL YEAR 2011-2012 AND MUST BE INCREASED EACH FISCAL YEAR BY THE PERCENTAGE INCREASE IN SALES TAX REVENUES; AND BY ADDING SECTION 4-10-15 SO AS TO PROVIDE THAT A LOCAL SALES AND USE TAX MUST BE REDUCED IN THE SAME PERCENTAGE AMOUNTS AS THE STATE SALES TAX RATE.

Referred to Committee on Ways and Means

H. 4272 -- Reps. Crosby, Brantley, Anderson, Merrill, Battle, Branham, Clyburn, Daning, Hayes, Hosey and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-605 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO IMPEDE THE NORMAL BREATHING OR BLOOD CIRCULATION OF ANOTHER PERSON WITHOUT CONSENT BY INTENTIONALLY APPLYING PRESSURE TO THE OTHER PERSON'S THROAT OR NECK OR OBSTRUCTING THE OTHER PERSON'S NOSE OR MOUTH AND TO PROVIDE PENALTIES; AND TO AMEND SECTION 16-25-65, AS AMENDED, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO PROVIDE THAT A PERSON WHO VIOLATES SECTION 16-25-20 IS GUILTY OF THE OFFENSE OF CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE WHEN THE PERSON COMMITS A VIOLATION OF SECTION 16-3-605.

Referred to Committee on Judiciary

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Chumley | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Loftis |
| Long | Lowe | Mack |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Norman | Ott |
| Owens | Patrick | Pinson |
| Quinn | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Whipper |
| White | Williams | Willis |
| Young |  |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, May 25.

|  |  |
| --- | --- |
| Terry Alexander | Bruce W. Bannister |
| Mia Butler Garrick | Alan D. Clemmons |
| H. B. "Chip" Limehouse | James Lucas |
| James Merrill | Steve Parker |
| Kevin Ryan | Joseph Neal |
| Bakari Sellers | G. Murrell Smith |
| Thad Viers | William R. "Bill" Whitmire |
| Chris Hart | David Weeks |
| Anne Parks | Michael A. Pitts |
| Jenny A. Horne | Tracy Edge |
| Boyd Brown | Denny Neilson |
| Patsy Knight | Thomas "Tommy" Pope |
| Todd Rutherford |  |

**Total Present--122**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. UMPHLETT a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. VICK a leave of absence for the day due to attending Military Command and General Staff College in Fort Dix, New Jersey.

**DOCTOR OF THE DAY**

Announcement was made that Dr. David Garr of Charleston was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. BRANNON presented to the House the Landrum High School "Cardinals" Varsity Boys Track Team, the 2011 Class A Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Reps. SPIRES, ATWATER, BALLENTINE, BINGHAM, FRYE, HUGGINS, MCLEOD, OTT, QUINN and TOOLE presented to the House the Pelion High School "Panthers" Varsity Golf Team, the 2011 Class AA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3407 |
| Date: | ADD: |
| 05/25/11 | EDGE and BINGHAM |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4236 |
| Date: | ADD: |
| 05/25/11 | DILLARD |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4186 |
| Date: | REMOVE: |
| 05/25/11 | G. R. SMITH |

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time, passed and, having received three readings in both Houses, it was ordered that the title of each be changed to that of an Act, and that they be enrolled for ratification:

S. 877 -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 OF HAMPTON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

S. 687 -- Senators Scott, Knotts and Ford: A BILL TO AMEND SECTION 43-7-460, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECOVERY OF FUNDS FROM ESTATES OF PERSONS WHO RECEIVED MEDICAID, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMENDED SECTION 44-7-130, AS AMENDED, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO SUBSTITUTE, IN RELEVANT DEFINITIONS, "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO HEALTH FACILITY LICENSURE REQUIREMENTS, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR " MENTALLY RETARDED"; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL REGARDING HEALTH CARE FACILITIES, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED" TO AMEND SECTION 44-7-320, AS AMENDED, RELATING TO THE DENIAL, REVOCATION, OR SUSPENSION OF A HEALTH FACILITY LICENSE, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44-23-10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY" AND THE TERM "MENTALLY RETARDED" TO "PERSON WITH INTELLECTUAL DISABILITY"; TO PROVIDE THAT THE TERMS "INTELLECTUAL DISABILITY" AND "PERSON WITH INTELLECTUAL DISABILITY" HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS "MENTAL RETARDATION" AND "MENTALLY RETARDED"; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM "INTELLECTUAL DISABILITY" FOR "MENTAL RETARDATION" AND THE TERM "PERSON WITH INTELLECTUAL DISABILITY" FOR "MENTALLY RETARDED" IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

S. 494 -- Senators Cleary, Bryant, Cromer and Ford: A BILL TO AMEND SECTION 40-15-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS, SO AS TO FURTHER SPECIFY THE SCOPE OF ACTIVITIES OF INTERNS AND RESIDENTS WHO ARE EXEMPT FROM LICENSURE; AND TO AMEND SECTION 40-15-360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO INTERNS AND RESIDENTS UNDER CERTAIN CONDITIONS.

S. 854 -- Senator Malloy: A BILL TO AMEND SECTION 16-3-600 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULT AND BATTERY OFFENSES, SO AS TO SUBSTITUTE THE TERM "A PERSON" FOR THE TERM "AN ADULT".

S. 420 -- Senators McConnell, Peeler, Campbell, Rose and Ford: A BILL TO AMEND SECTION 1-23-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY REVIEW OF REGULATIONS, INCLUDING, AMONG OTHER THINGS, GROUNDS FOR EXEMPTION FROM REVIEW, SO AS TO PROVIDE THAT A REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW BECAUSE IT WAS PROMULGATED TO COMPLY WITH FEDERAL LAW HAS THE SAME LEGAL STATUS AS THE FEDERAL LAW, SUCH THAT IF THE FEDERAL LAW IS VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT THE STATE REGULATION IS SIMILARLY VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT.

**RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill and Joint Resolution were taken up, read the third time, and ordered returned to the Senate with amendments:

S. 705 -- Senators Rankin, Campbell, Rose, Verdin, Hutto, Ford and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 36 TO TITLE 58, SO AS TO CREATE THE "UNDERGROUND FACILITY DAMAGE PREVENTION ACT"; TO ADD SECTION 58-36-20, RELATING TO DEFINITIONS; TO ADD SECTION 58-36-30, RELATING TO THE STATE AUTHORITY TO REGULATE; TO ADD SECTION 58-36-40, RELATING TO THE COSTS ASSOCIATED WITH COMPLIANCE OF THIS CHAPTER; TO ADD SECTION 58-36-50, RELATING TO THE NOTIFICATION CENTER RESPONSIBILITIES; TO ADD SECTION 58-36-60, RELATING TO EXCAVATOR RESPONSIBILITIES; TO ADD SECTION 58-36-70, RELATING TO OPERATOR RESPONSIBILITIES; TO ADD SECTION 58-36-80, RELATING TO NOTICE FOR AN EMERGENCY EXCAVATION OR DEMOLITION; TO ADD SECTION 58-36-90, RELATING TO NOTIFICATION WHEN DAMAGE OCCURS; TO ADD SECTION 58-36-100 RELATING TO DESIGN REQUESTS; TO ADD SECTION 58-36-110, RELATING TO EXEMPTIONS FROM THE REQUIREMENT TO CONTACT THE NOTIFICATION CENTER; TO ADD SECTION 58-36-120 RELATING TO PENALTIES FOR VIOLATION OF THIS CHAPTER; AND TO REPEAL CHAPTER 35 OF TITLE 58.

S. 241 -- Senators Rose and Leventis: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA DYSLEXIA TASK FORCE, TO PROVIDE FOR THE COMPOSITION OF THE TASK FORCE, AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

**S. 588--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 588 -- Senators Jackson, Hayes, O'Dell, Rose, Ford and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "STROKE PREVENTION ACT OF 2011" BY ADDING ARTICLE 6 TO CHAPTER 61, TITLE 44 SO AS TO ESTABLISH A STATEWIDE SYSTEM OF STROKE CARE, WHICH REQUIRES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE AND DESIGNATE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS, TO DISTRIBUTE A LIST OF PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS TO EACH EMERGENCY MEDICAL SERVICES PROVIDER AND TO POST THIS LIST ON ITS WEBSITE, TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE-TRIAGE ASSESSMENT TOOL TO EACH EMERGENCY MEDICAL SERVICES PROVIDER, TO ESTABLISH PRE-HOSPITAL CARE PROTOCOLS FOR THE CARE AND TRANSPORT OF STROKE PATIENTS BY EMERGENCY MEDICAL SERVICE PROVIDERS, TO ESTABLISH A STROKE REGISTRY TASK FORCE TO ANALYZE AND IMPROVE STROKE CARE IN THIS STATE, AND TO ENSURE CONFIDENTIALITY IN SHARING HEALTH CARE INFORMATION; AND TO PROVIDE THAT THE DEPARTMENT'S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 (COUNCIL\ NBD\11657AC11), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-61-650(C) on page 4 and inserting:

/ (C) The Stroke Advisory Council is responsible for advising the department on the development and implementation of a statewide system of stroke care in accordance with this article. /

Renumber sections to conform.

Amend title to conform.

Rep. HOWARD explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Hosey | Huggins | Jefferson |
| Johnson | King | Limehouse |
| Loftis | Long | Lowe |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Norman |
| Owens | Parker | Patrick |
| Pitts | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | Whipper | Whitmire |
| Williams | Willis | Young |

**Total--102**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3789--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3789 -- Reps. McLeod, Brantley, Chumley, J. H. Neal, Jefferson, Neilson, Alexander, Gilliard, Bales, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Hixon, Hodges, Hosey, Mack, Weeks and Whipper: A BILL TO AMEND SECTION 17-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF A LAW ENFORCEMENT OFFICER IN PURSUIT OF AN OFFENDER, SO AS TO INCREASE THE LIMIT WHERE THE TOWN OR CITY'S JURISDICTION CEASES FROM THREE MILES TO FIVE MILES OF THE CORPORATE LIMITS.

Rep. BANNISTER explained the Bill.

Reps. G. M. SMITH, HIOTT, J. R. SMITH, HIXON, SIMRILL, BEDINGFIELD, TAYLOR, BIKAS, MACK, AGNEW, ANDERSON, ALLISON, PARKER, KING, OTT, CRAWFORD, FORRESTER, BRANTLEY, HERBKERSMAN, PATRICK, ERICKSON, BRANNON, MCEACHERN, SPIRES and FRYE requested debate on the Bill.

**S. 568--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 568 -- Senators L. Martin and Ford: A BILL TO AMEND SECTION 16-3-740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV), SO AS TO FURTHER CLARIFY OFFENDERS WHO MUST BE TESTED AND THE TIME FRAME THAT TESTING MUST BE CONDUCTED AND PROVIDE FOR FOLLOW-UP TESTING FOR HIV WHEN MEDICALLY APPROPRIATE.

Rep. BANNISTER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Crosby | Delleney | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Patrick | Quinn | Rutherford |
| Ryan | Sabb | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | Viers | Whipper |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Pitts | Toole |  |

**Total--2**

So, the Bill was read the second time and ordered to third reading.

**S. 30--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7388AHB11), which was adopted:

Amend the bill, as and if amended, by deleting Section 22‑5‑110(B), as contained in SECTION 1, page 2, lines 5 ‑ 28, and inserting:

/ ~~(B) Notwithstanding another provision of law, a person charged with any misdemeanor offense requiring a warrant signed by nonlaw enforcement personnel to ensure the arrest of a person must be given a courtesy summons.~~

(B)(1) An arrest warrant may not be issued for the arrest of a person unless sought by a law enforcement officer acting in their official capacity.

(2) If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons.

(3) If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed.” /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

Rep. PITTS proposed the following Amendment No. 2 (COUNCIL\MS\7418AHB11), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_. A. This SECTION may be cited as “Lollis’s Law”.

B. Article 1, Chapter 25, Title 14 of the 1976 Code is amended by adding:

“Section 14‑25‑40. Notwithstanding another provision of law, the clerk of court of the municipal court shall send a summons or other written notification which designates a court date and time or alters or changes a court date or time for a particular matter before the municipal court by certified letter, return receipt requested, to the person required to appear or to the person’s attorney of record.”

C. Article 9, Chapter 3, Title 22 of the 1976 Code is amended by adding:

“Section 22‑3‑1020. Notwithstanding another provision of law, a magistrate or his designated clerk shall send a summons or other written notification which designates a court date and time or alters or changes a court date or time for a particular matter before the magistrates court by certified letter, return receipt requested, to the person required to appear or to the person’s attorney of record.” /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

Rep. TALLON moved to table the amendment.

Rep. KING demanded the yeas and nays which were taken, resulting as follows:

Yeas 12; Nays 98

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Bannister | Cole |
| Hearn | Horne | McCoy |
| McLeod | Murphy | Pinson |
| Skelton | Tallon | Young |

**Total--12**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Patrick | Pitts | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Taylor |
| Thayer | Toole | Viers |
| Whipper | White | Whitmire |
| Williams | Willis |  |

**Total--98**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 3 (COUNCIL\MS\7431AHB11), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_. Article 9, Chapter 3, Title 22 of the 1976 Code is amended by adding:

“Section 22‑3‑915. (A) Notwithstanding a court rule or another provision of law, a magistrate may not commence a trial or another proceeding, or require an attorney to appear or be present in the court, on Saturday, Sunday, or after five o’clock on a weekday except in the case of an emergency.

(B) If a magistrate determines an emergency exists and court must be held:

(1) after five o’clock on a weekday, compensation for jurors must be no less than one hundred dollars per day and court personnel must be paid overtime; and

(2) on the weekend, compensation for jurors must be no less than one hundred fifty dollars per day and court personnel must be paid overtime.

(C) The provisions of subsection (A) do not apply to bond hearings.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

**POINT OF ORDER**

Rep. TALLON raised the Point of Order that under House Rule 9.3, Amendment No. 3 was not germane to the Bill.

SPEAKER HARRELL sustained the Point of Order and ruled that Amendment No. 3 was out of order.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Taylor | Thayer |
| Tribble | Viers | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Horne | Murphy |

**Total--3**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 30. If I had been present, I would have voted against the Bill.

Rep. Eddie Tallon

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. SANDIFER a leave of absence for the remainder of the day.

**S. 336--DEBATE ADJOURNED**

Rep. VIERS moved to adjourn debate upon the following Bill until Thursday, May 26, which was adopted:

S. 336 -- Senator Grooms: A BILL TO AMEND SECTION 56-7-30 OF THE 1976 CODE, RELATING TO GENERATING UNIFORM TRAFFIC CITATIONS WITH AN ELECTRONIC DEVICE, TO REQUIRE THAT A COPY OF THE CITATION IS HANDED DIRECTLY TO THE OFFENDER BY THE LAW ENFORCEMENT OFFICER ISSUING THE TICKET; TO AMEND CHAPTER 7, TITLE 56, RELATING TO MOTOR VEHICLE TRAFFIC TICKETS, BY ADDING SECTION 56-7-35 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MUST STOP AN OWNER OR OPERATOR OF A VEHICLE TO ISSUE A TRAFFIC TICKET, TO PROVIDE THAT THE TRAFFIC TICKET MUST BE HANDED DIRECTLY TO THE OWNER OR OPERATOR OF THE VEHICLE, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY MAY NOT MAIL OR OTHERWISE SEND A TRAFFIC TICKET TO AN OFFENDER, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED, AND TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO TOLL COLLECTION; TO AMEND SECTION 56-5-710, RELATING TO THE POWER OF LOCAL AUTHORITIES CONCERNING TRAFFIC LAWS, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED; TO AMEND SECTION 56-5-70, AS AMENDED, RELATING TO CERTAIN VEHICLE REQUIREMENTS BEING SUSPENDED DURING A STATE OF EMERGENCY, TO CLARIFY THAT UNIFORM TRAFFIC CITATIONS MAY NOT BE ISSUED IN WHOLE OR IN PART ON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER ELECTRONIC DEVICE CAPTURING THE PHOTOGRAPHIC EVIDENCE WAS ATTENDED OR UNATTENDED AT THE TIME IT CAPTURED THE PHOTOGRAPHIC EVIDENCE; AND TO DISGORGE ANY FINES COLLECTED IN VIOLATION OF SECTION 56-5-70.

**H. 3308--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3308 -- Reps. Forrester, Allison, Parker and Brady: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "JAIDON'S LAW" BY AMENDING SECTION 63-7-1680, AS AMENDED, RELATING TO THE CONTENTS, APPROVAL, AND AMENDMENT OF A PLACEMENT PLAN DEVELOPED BY THE DEPARTMENT OF SOCIAL SERVICES FOR A CHILD REMOVED FROM THE CUSTODY OF HIS OR HER PARENTS, SO AS TO FURTHER PROVIDE FOR THE VISITATION RIGHTS AND OBLIGATIONS OF THE PARENTS UNDER THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1690, RELATING TO CONTENTS OF A PLACEMENT PLAN WHEN THE CONDITIONS FOR REMOVAL OF A CHILD FROM THE CUSTODY OF HIS OR HER PARENTS INCLUDE CONTROLLED SUBSTANCE ABUSE BY THE PARENTS, SO AS TO MAKE THE CONTENTS OF THE PLAN MANDATORY, RATHER THAN IN THE DISCRETION OF THE COURT; TO AMEND SECTION 63-7-1710, RELATING TO CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF SOCIAL SERVICES SHALL FILE A PETITION TO TERMINATE PARENTAL RIGHTS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF THE PARENT IS CONVICTED OF HOMICIDE BY CHILD ABUSE, OR AIDING OR ABETTING TO COMMIT HOMICIDE BY CHILD ABUSE, OF ANOTHER CHILD OF THE PARENT; TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF A PARENT FAILED THREE HAIR-STRAND DRUG TESTS OVER A NINE-MONTH PERIOD; AND TO PROVIDE THAT THE DEPARTMENT SHALL FILE SUCH A PETITION IF A PARENT FAILED TWICE IN A TWELVE-MONTH PERIOD TO COMPLY WITH THE TERMS OF A TREATMENT PLAN OR PLACEMENT PLAN; TO AMEND SECTION 63-7-1940, RELATING TO COURT-ORDERED PLACEMENT OF A PERSON IN THE CENTRAL REGISTRY FOR CHILD ABUSE AND NEGLECT, SO AS TO PROVIDE THAT THE COURT SHALL ORDER THAT A PERSON BE PLACED IN THE REGISTRY IF THE PERSON GAVE BIRTH TO THE CHILD AND THE CHILD TESTED POSITIVE FOR DRUGS; AND TO AMEND SECTION 63-7-2570, AS AMENDED, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT TERMINATING THESE RIGHTS ON THE GROUNDS OF SEVERE AND REPETITIVE ABUSE OR NEGLECT INCLUDES HOSPITALIZATION OF A CHILD FOR MORE THAN FOURTEEN DAYS DUE TO ABUSE OR NEGLECT; TO INCLUDE IN THE GROUNDS FOR TERMINATING THESE RIGHTS A PARENT'S ADDICTION TO ALCOHOL OR ILLEGAL DRUGS OR PRESCRIPTION MEDICATION ABUSE WHEN THE PARENT'S ADDICTION IS UNLIKELY TO CHANGE WITHIN A REASONABLE TIME; AND TO PROVIDE AS A GROUND FOR TERMINATING THESE RIGHTS A PARENT BEING CONVICTED OF MURDER, VOLUNTARY MANSLAUGHTER, OR HOMICIDE BY CHILD ABUSE OF ANOTHER CHILD OF THE PARENT.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11664AC11), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 2 of the bill and inserting:

/SECTION 2. Section 63‑7‑1680(D) of the 1976 Code, as last amended by Act 160 of 2010, is further amended to read:

“(D) The third section of the plan shall set forth rights and obligations of the parents or guardian while the child is in custody including, but not limited to:

(1) the responsibility of the parents or guardian for financial support of the child during the placement; and

(2) the visitation rights and obligations of the parents or guardian during the placement.

The department may move before the family court for termination or suspension of visits between the parent or guardian and the child. The family court may order termination or suspension of the visits if ongoing contact between the parent or guardian and the child would be contrary to the best interests of the child. This section of the plan must include a notice to the parents or guardian that failure to support or visit the child as provided in the plan may result in termination of parental rights.”/

Amend the bill further, by deleting Section 63-7-1940(A)(1) and inserting:

/ (1) ~~must~~ shall order, without possibility of waiver by the department, that a person’s name be entered in the Central Registry of Child Abuse and Neglect if the court finds that there is a preponderance of evidence that the person:

(a) physically ~~or sexually abused or wilfully or recklessly neglected the child. Placement on the Central Registry cannot be waived by any party or by the court.~~ abused the child; however, if the only form of physical abuse that is found by the court is excessive corporal punishment, the court only may order that the person’s name be entered in the Central Registry if item (2) applies;

(b) sexually abused the child;

(c) wilfully or recklessly neglected the child; or

(d) gave birth to the child and the child tested positive for the presence of any amount of controlled substance, prescription drugs, metabolite of a controlled substance, or alcohol or the child has a medical diagnosis of fetal alcohol syndrome, unless the presence of the substance or metabolite is the result of medical treatment administered to the mother of the child or the child;/

Renumber sections to conform.

Amend title to conform.

Rep. VIERS explained the amendment.

Rep. VIERS spoke in favor of the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | H. B. Brown | R. L. Brown |
| Butler Garrick | Clemmons | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--105**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Chumley | Crosby | Merrill |

**Total--3**

So, the Bill, as amended, was read the second time and ordered to third reading.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**OBJECTION TO RECALL**

Rep. HOWARD asked unanimous consent to recall H. 4256 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. FORRESTER objected.

**H. 3587--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3587 -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons, Barfield, Hayes and Loftis: A BILL TO AMEND SECTION 48-39-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

Rep. HARDWICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sabb | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Dillard |  |  |

**Total--1**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**H. 3295--DEBATE ADJOURNED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61-6-1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNERS ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

Rep. HARRISON moved to adjourn debate on the Senate Amendments, which was agreed to.

**S. 20--RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up:

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23-1-250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16-9-480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

Rep. G. M. SMITH demanded the yeas and nays which were taken, resulting as follows:

Yeas 65; Nays 39

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Barfield | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Brannon | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Hearn |
| Henderson | Herbkersman | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Owens | Parker |
| Patrick | Pope | Quinn |
| Ryan | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Taylor | Thayer | Toole |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--65**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Bales | Bowers | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Mitchell | Munnerlyn |
| J. H. Neal | J. M. Neal | Ott |
| Sabb | Sellers | J. E. Smith |
| Weeks | Whipper | Williams |

**Total--39**

The Bill was read the third time and ordered returned to the Senate with amendments.

RECORD FOR VOTING

I inadvertently pressed the “yea” button, when I meant to press the “nay” button. I wish to be recorded as voting against the passage of S. 20.

Rep. Mike Anthony

**H. 4198--SENT TO THE SENATE**

The following Bill was taken up:

H. 4198 -- Reps. Bingham, Cooper, White, Cobb-Hunter, Ott, Whipper, Erickson and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-31-35 SO AS TO PROVIDE THAT FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS, IF AN EMPLOYER HAS A POSITIVE FUND BALANCE FOR A PERIOD OF AT LEAST ONE YEAR IN ITS ACCOUNT, IT MAY NOT BE CLASSIFIED IN RATE CLASS 13 OR HIGHER AND TO PROVIDE THAT ALL NEW EMPLOYERS FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS MUST BE CLASSIFIED IN RATE CLASS 12; BY ADDING SECTION 41-31-36 SO AS TO PROVIDE THAT NO NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE 5613 EMPLOYER BASE RATE MAY BE LESS THAN THE RATE APPLICABLE FOR RATE CLASS THIRTEEN UNTIL THERE HAVE BEEN TWELVE CONSECUTIVE MONTHS OF COVERAGE AFTER FIRST BECOMING LIABLE FOR CONTRIBUTIONS; BY ADDING SECTION 41-31-41 SO AS TO PROVIDE THAT FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, THE STATE SHALL REDUCE STATE UNEMPLOYMENT TAX BASE RATES FOR EMPLOYERS IN TIERS 13 THROUGH 20 BY A SPECIFIED PERCENT, TO PROVIDE THE METHOD TO BE USED TO FUND SUCH REDUCTIONS, AND TO ALSO PROVIDE FOR THE PREMIUMS TO BE PAID BY EMPLOYERS IN TIERS 1 THROUGH 12 FOR CALENDAR YEARS 2011 AND 2012; TO AMEND SECTION 41-31-45, RELATING TO ESTIMATES OF THE INCOME NECESSARY TO PAY UNEMPLOYMENT COMPENSATION BENEFITS DURING A CALENDAR YEAR WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS IN DEBT STATUS, SO AS TO PROVIDE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED FOR CALENDAR YEARS 2011 AND 2012, AND TO REVISE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED BEGINNING IN JANUARY 2013 AND THEREAFTER WHILE THE TRUST FUND IS IN DEBT STATUS; TO AMEND SECTION 41-31-50, RELATING TO THE MANNER IN WHICH EMPLOYER RATE COMPUTATIONS ARE DETERMINED, SO AS TO PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, NOT INCLUDING THE ACHIEVEMENT OF SOLVENCY TARGETS, TO FURTHER PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS AND ACHIEVE SOLVENCY TARGETS BEGINNING IN JANUARY 2013, AND TO PROVIDE FOR THE MANNER IN WHICH THE RATE FOR CLASS TWENTY MUST BE SET; BY ADDING SECTION 41-31-52 SO AS TO PROVIDE FOR THE MANNER IN WHICH BENEFITS FOR SEASONAL WORKERS SHALL BE DETERMINED, CALCULATED, AND PAID; TO AMEND SECTION 41-31-55, RELATING TO ADDITIONAL SURCHARGES WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS INSOLVENT, SO AS TO PROVIDE FOR WHAT PROVISIONS OF LAW THE STATE SHALL FOLLOW TO SET RATES FOR CLASS TWENTY BEGINNING IN JANUARY 2013 AND TO PROVIDE FOR CERTAIN CREDITS FOR EMPLOYERS IN TIERS 1 THROUGH 12; AND BY ADDING SECTION 41-31-65 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ALLOCATE ALL CREDITS DUE TO ANY EMPLOYER THAT HAS PAID IN EXCESS OF THEIR BALANCE DUE BY JULY 31, 2011.

Rep. BARFIELD demanded the yeas and nays which were taken, resulting as follows:

Yeas 83; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Atwater | Bales |
| Ballentine | Barfield | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | G. A. Brown |
| H. B. Brown | Butler Garrick | Chumley |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Ryan |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thayer | Toole |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Brantley |
| R. L. Brown | Cobb-Hunter | Dillard |
| Gilliard | Govan | Hodges |
| Hosey | Howard | Jefferson |
| Johnson | King | Mack |
| Mitchell | J. H. Neal | Sabb |
| Weeks | Williams |  |

**Total--20**

The Bill was read the third time and ordered sent to the Senate.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. HIXON.

**JOINT ASSEMBLY**

At 12:00 noon the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

**ELECTION OF FAMILY COURT JUDGES AND LEGISLATIVE AUDIT COUNCIL**

The Reading Clerk of the House read the following Concurrent Resolution:

H. 4116 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 25, 2011, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2016; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019.

The PRESIDENT recognized Senator McConnell, Chairman of the Judicial Merit Selection Commission.

**FAMILY COURT JUDGE, FOURTH**

**JUDICIAL CIRCUIT, SEAT 2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Family Court Judge, Fourth Judicial Circuit, Seat 2.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: The Honorable Cely Anne Baker Brigman, The Honorable Salley Huggins McIntyre, and James Alexander “Alex” Stanton IV.

Senator McConnell stated that The Honorable Cely Anne Baker Brigman and James Alexander “Alex” Stanton IV had withdrawn from the race, and placed the name of the remaining candidate, The Honorable Salley Huggins McIntyre in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, The Honorable Salley Huggins McIntyre, was duly elected for the term prescribed by law.

**FAMILY COURT JUDGE, THIRTEENTH**

**JUDICIAL CIRCUIT, SEAT 3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Family Court Judge, Thirteenth Judicial Circuit, Seat 3.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Catherine Carr Christophillis, Harry L. “Don” Phillips, Jr., and Thomas J. Quinn.

Senator McConnell stated that Catherine Carr Christophillis and Thomas J. Quinn had withdrawn from the race, and placed the name of the remaining candidate, Harry L. “Don” Phillips, in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Harry L. “Don” Phillips was duly elected for the term prescribed by law.

**FAMILY COURT JUDGE, FOURTEENTH**

**JUDICIAL CIRCUIT, SEAT 3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Family Court Judge, Thirteenth Judicial Circuit, Seat 3.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Diane P. DeWitt and Deborah Ann Malphrus.

Senator McConnell stated that Diane P. DeWitt had withdrawn from the race, and placed the name of the remaining candidate, Deborah Ann Malphrus, in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Deborah Ann Malphrus was duly elected for the term prescribed by law.

Immediately following the judicial elections, the PRESIDENT announced that the Joint Assembly would proceed to the election of the Legislative Audit Council.

**ELECTION TO THE LEGISLATIVE AUDIT COUNCIL**

The PRESIDENT announced that nominations were in order to elect a successor to the positions on the Legislative Audit Council.

Representative HARRISON indicated that Mr. Mallory Factor, Mr. Thomas F. Hartnett, and Ms. Jane Pike Miller had been screened and found qualified to serve.

On the motion of Representative HARRISON, the names of Mr. Mallory Factor, Mr. Thomas F. Hartnett, and Ms. Jane Pike Miller were placed in nomination.

Representative HARRISON moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

Whereupon, the PRESIDENT announced that Mr. Mallory Factor was elected to the Legislative Audit Council to fill the remaining portion of a term to expire on June 30, 2011, and a full term to expire on June 30, 2017; Mr. Thomas F. Hartnett was elected to the Legislative Audit Council for a term to expire June 30, 2015; and Ms. Jane Pike Miller was elected to the Legislative Audit Council for a term to expire June 30, 2013.

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 12:10 p.m. the House resumed, the SPEAKER in the Chair.

Rep. COLE moved that the House recede until 2:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:30 p.m. the House resumed, ACTING SPEAKER PATRICK in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 3407--TABLED**

The following Bill was taken up:

H. 3407 -- Reps. Herbkersman, Owens, Quinn, Simrill, Stringer, Bedingfield, Barfield, Bowen, Clemmons, Corbin, Delleney, Hamilton, Hardwick, Harrison, Henderson, Hixon, Limehouse, Loftis, Long, Lowe, McCoy, D. C. Moss, Murphy, Nanney, Patrick, Pitts, Ryan, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Taylor, Viers, Crawford, Spires, Tribble, Lucas, Brantley, Edge and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EDUCATIONAL OPPORTUNITY ACT" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59 SO AS TO PROVIDE THAT A QUALIFYING STUDENT IS ELIGIBLE TO RECEIVE A SCHOLARSHIP TO ATTEND AN INDEPENDENT SCHOOL IF HE MEETS CERTAIN CONDITIONS, AND TO PROVIDE THE VALUE OF THOSE SCHOLARSHIPS; TO ALLOW A TAX CREDIT TO BE TAKEN BY A PERSON WHO FILES STATE INCOME TAX FOR TUITION PAID FOR A QUALIFYING STUDENT TO ATTEND AN INDEPENDENT SCHOOL UPON CERTAIN CONDITIONS, TO PROVIDE THE VALUE OF THE TAX CREDIT, TO PROVIDE THAT THE TAX CREDIT MAY BE TAKEN IN FUTURE YEARS UPON CERTAIN CONDITIONS, TO REQUIRE A RECEIPT TO CLAIM THE TAX CREDIT, AND TO PROVIDE THAT A TAX CREDIT MAY NOT BE TAKEN IF THE STUDENT'S ENROLLMENT IN THE INDEPENDENT SCHOOL IS TERMINATED; TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO CALCULATE THE SAVINGS TO THE STATE GENERAL FUND DERIVED FROM THE PROVISIONS OF THIS ARTICLE, TO PROVIDE THE MECHANISM FOR THAT CALCULATION, TO PROVIDE FOR TAX CREDITS TO BE TAKEN FOR TUITION PAID FOR OTHER STUDENTS TO ATTEND INDEPENDENT SCHOOLS, AND TO PROVIDE FOR THE TOTAL AND INDIVIDUAL AMOUNTS OF THOSE TAX CREDITS; TO PROVIDE FOR A TAX CREDIT FOR A PERSON WHO TEACHES A QUALIFYING STUDENT AT HOME, AND TO PROVIDE THAT THE TAX CREDIT MAY BE TAKEN IN FUTURE YEARS UPON CERTAIN CONDITIONS; TO ALLOW A CORPORATION OR PERSON TO CLAIM A CREDIT AGAINST STATE INCOME TAX OR FRANCHISE FEES FOR A CONTRIBUTION MADE TO A STUDENT SCHOLARSHIP ORGANIZATION; TO PROVIDE DUTIES FOR INDEPENDENT SCHOOLS AND STUDENT SCHOLARSHIP ORGANIZATIONS WITH REGARD TO THIS ARTICLE; TO PROVIDE TESTING REQUIREMENTS; TO ALLOW THE DEPARTMENT OF REVENUE TO PROMULGATE NECESSARY REGULATIONS AND TO CONDUCT NECESSARY EXAMINATIONS AND INVESTIGATIONS; TO PROVIDE REPORTING REQUIREMENTS BY THE STATE BUDGET AND CONTROL BOARD AND THE LEGISLATIVE AUDIT COUNCIL; TO PROVIDE DUTIES OF THE EDUCATION OVERSIGHT COMMITTEE AND THE DEPARTMENT OF EDUCATION WITH REGARD TO THIS ARTICLE; TO PROVIDE THAT AN INDEPENDENT SCHOOL IS NOT AN AGENT OR ARM OF THE STATE OR FEDERAL GOVERNMENT WITH RESPECT TO THIS ARTICLE; TO PROVIDE THAT OTHER STATE AGENCIES MAY NOT REGULATE THE EDUCATIONAL PROGRAM OF AN INDEPENDENT SCHOOL; AND BY ADDING SECTION 12-6-3383 SO AS TO ALLOW AN INDIVIDUAL TO CLAIM AN INCOME TAX CREDIT PURSUANT TO THE PROVISIONS OF ARTICLE 6, CHAPTER 63, TITLE 59.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19085BH11):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be cited as the “South Carolina Educational Opportunity Act”.

SECTION 2. (A) The General Assembly finds:

(1) it has the inherent power to determine subjects of taxation for general or particular public purposes;

(2) expanding educational opportunities and improving the quality of educational services within the State are valid public purposes that the General Assembly may promote using its sovereign power to determine subjects of taxation and exemptions from taxation; (3) ensuring that all parents, regardless of means, may exercise and enjoy their basic right to educate their children as they see fit is a valid public purpose that the General Assembly may promote using its sovereign power to determine subjects of taxation and exemptions from taxation;

(4) expanding educational opportunities and the healthy competition they promote are critical to improving the quality of education in the State and ensuring that all children receive the high‑quality education to which they are entitled; and

(B) The purpose of this article is to:

(1) allow maximum freedom to parents and independent schools to respond to and provide for the educational needs of children without governmental control, and this act must be liberally construed to achieve that purpose;

(2) enable taxpayers to make private, voluntary contributions to nonprofit scholarship funding organizations in order to promote the general welfare;

(3) provide taxpayers who wish to help parents with limited resources exercise their basic right to educate their children as they see fit with a means to do so;

(4) promote general welfare by expanding educational opportunities for children of families that have limited financial resources;

(5) enable children in this State to achieve a greater level of excellence in their education;

(6) improve the quality of education in this State, both by expanding educational opportunities for children and by creating incentives for schools to achieve excellence; and

(7) enable taxpayers to receive an income tax credit for a portion of tuition paid for a qualifying student to attend an independent school.

SECTION 3. Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Article 6

Educational Opportunity Act

Section 59‑63‑610. As used in this article:

(1) ‘Department’ means the Department of Revenue.

(2) ‘Independent school’ means a school, other than a public school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met and that does not discriminate based on the grounds of race, color, or national origin. For purposes of this article, ‘independent school’ does not include a home where a parent or legal guardian teaches one or more children as authorized pursuant to Sections 59‑65‑40, 59‑65‑45, or 59‑65‑47.

(3) ‘Nonstudent‑based per‑pupil state funding’ means all projected state expenditures to local public school districts not directly related to the number of students, divided by the total projected pupil count in those districts.

(4) ‘Owner or operator’ includes:

(a) an owner, president, officer, or director of an eligible nonprofit scholarship funding organization or a person with equivalent decision making authority over an eligible nonprofit scholarship funding organization; and

(b) an owner, operator, superintendent, or principal of an eligible independent school or a person with equivalent decision making authority over an eligible independent school.

(5) ‘Parent’ means the natural or adoptive parent or legal guardian of a child.

(6) ‘Public school’ means a public school in the State as defined in Section 59‑1‑120.

(7) ‘Qualifying student’ means a student who is a South Carolina resident and who was enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the preceding school year or who is eligible to enroll in a qualified five‑year‑old kindergarten program. Qualifying student, for purposes of scholarship eligibility pursuant to the provisions of this chapter, also means a student who received a scholarship pursuant to Section 59‑63‑620 for the previous academic year and who continues to meet the eligibility requirements in Section 59‑63‑620(A)(1)‑(2).

(8) ‘Receipt’ means a document developed by the Department of Revenue that is issued by the receiving school to a person who makes a tuition payment on behalf of a qualifying student and that contains, at a minimum:

(a) the name and address of the school;

(b) the name, social security number, and address of the qualifying student for whom the tuition has been paid; and

(c) the name of the payer and the date and amount of tuition paid.

(9) ‘Receiving school’ means an independent school which the qualifying student seeks to attend.

(10) ‘Resident public school district’ means the public school district in which a student resides.

(11) ‘Release of information form’ means a document developed by a receiving school which is signed by the parent or guardian of a qualifying student and which acknowledges the consent of the parent or guardian to release of information contained in the receipt.

(12) ‘Scholarship receipt’ means a document developed by the Department of Revenue that is issued by the student scholarship organization to a corporation or a person who makes a contribution to a student scholarship organization.

(13) ‘State’ means the state of South Carolina.

(14) ‘Student‑based per‑pupil state funding’ means the sum of projected allocations from all state sources to local districts that are directly related to the number of students, divided by the total projected pupil count in those districts.

(15) ‘Student scholarship organization’ means a charitable organization incorporated or qualified to do business in this State that:

(a) is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code;

(b) complies with the applicable state and federal antidiscrimination provisions; and

(c) is registered with the Office of the Secretary of State.

(16) ‘Total per‑pupil state funding’ means the total projected state expenditures to local public school districts divided by the total projected pupil count in those districts.

(17) ‘Tuition’ means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school and school‑related transportation.

Section 59‑63‑620. (A) A qualifying student is eligible to receive a scholarship to attend an independent school in this State if the student transfers to an independent school or enters kindergarten at an independent school and:

(1) has a household income that qualifies the student to receive free or reduced meals pursuant to the Richard B. Russell National School Lunch Act, 7 C.F.R. Part 245, or that qualifies the student’s family to receive Medicaid; and

(2) is not a student for whom a taxpayer has received a tax credit pursuant to Section 59‑63‑623.

(B) The value of scholarships given to a qualifying student who meets the criteria provided in subsection (A) may not exceed the greater of:

(1) fifty percent of the state’s total projected allocation to the resident public school district of the student, divided by the projected average daily membership of the resident public school district; or

(2) the statewide base student cost as defined in Section 59‑20‑20.

(C) For purposes of this section, the state’s total projected allocation to the local public school district includes both general fund and nongeneral fund allocations, including, but not limited to, restricted state grants, unrestricted grants, the Education Finance Act (EFA), the Education Improvement Act (EIA), education lottery revenue, state revenue in lieu of taxes, and other state revenue.

Section 59‑63‑623. (A) Beginning in the 2011‑2012 school year, a person who files a state income tax return and who is not a dependent of another taxpayer may claim a tax credit for the tuition paid by that person for a qualifying student who is not receiving a scholarship pursuant to Section 59‑63‑620 to attend an independent school in an amount not to exceed the greater of:

(1) fifty percent of the State’s total projected allocation to the resident public school district of the student, divided by the projected average daily student membership of that school district; or

(2) the statewide base student cost.

(B) For purposes of this section, the state’s total projected allocation to the local public school district includes both general fund and nongeneral fund allocations, including, but not limited to, restricted state grants, unrestricted grants, the Education Finance Act (EFA), the Education Improvement Act (EIA), education lottery revenue, state revenue in lieu of taxes, and other state revenue.

(C) In no event may the total amount of the tax credit exceed the amount of actual tuition paid on behalf of the qualifying student.

(D) Beginning with the 2012‑2013 school year and for every school year thereafter, a person who files a state income tax return and who is not a dependent of another taxpayer may claim a tax credit as provided in subsection (A) for tuition paid by that person for the qualifying student for whom the tax credit was initially taken pursuant to subsection (A) who continues to be enrolled in an independent school and who is not receiving a scholarship pursuant to Section 59‑63‑620.

(E) A tax credit may not be claimed without a receipt issued by the department.

(F) For a student for whom tuition is paid to attend an independent school for which a tax credit is claimed pursuant to this section and whose enrollment in the independent school is terminated for any reason during the academic year, the independent school shall notify the department so that no tax credit may be taken for any tuition paid on behalf of the student.

(G) A tax credit may not be claimed for a student who is receiving a scholarship pursuant to Section 59‑63‑620.

Section 59‑63‑624. (A) The State Budget and Control Board, Office of Research and Statistics annually shall calculate the savings to the State derived from the provisions of this article. The amount of savings per qualifying student is equal to the amount of the student‑based per‑pupil state funding which would otherwise go to that qualifying student’s resident public school district, less the value of the tax credits taken pursuant to Section 59‑63‑623 or the value of the scholarship given pursuant to Section 59‑63‑620 issued to the qualifying student.

(B) Beginning with the 2014‑2015 school year and thereafter, a credit provided in this section must be available to all persons not otherwise eligible under Section 59‑63‑623 for any student who is not eligible for a scholarship under Section 59‑63‑620 or who is not a qualifying student for whom a taxpayer has received a tax credit under Section 59‑63‑623 to attend an independent school notwithstanding the limitation contained in Section 59‑63‑610(7). The total amount of funds available for taxpayers to take advantage of this credit pursuant to this subsection must be capped at eighty percent of the aggregate amount of the savings for all qualifying students, as calculated in subsection (A), and determined by the State Budget and Control Board Office of Research and Statistics pursuant to Section 59‑63‑650(A)(5). The amount of the credit available for each student under this section may not exceed fifty percent of the State’s total projected allocation to the resident public school district of the student, divided by the projected average daily membership of the resident public school district.

(C) The State Budget and Control Board Office of Research and Statistics annually shall certify the amount of the credit per student based upon the amount of savings as calculated in subsections (A) and (B), divided by the number of eligible students then enrolled in independent schools who are not already receiving a tax credit under Section 59‑63‑623 or a scholarship under Section 59‑63‑620.

Section 59‑63‑625. (A) Beginning with the 2011‑2012 school year, a parent or legal guardian who teaches one or more qualifying students at home as authorized pursuant to Section 59‑65‑40, 59‑65‑45, or 59‑65‑47 may take a tax credit of up to one thousand dollars per home school student for instruction‑related expenditures. For the first year a tax credit is claimed pursuant to this section, the taxpayer shall attach to his state tax return the previous year’s attendance record at a South Carolina public school or the record of birth for the student for whom the credit is claimed.

(B) Beginning with the 2012‑2013 school year and for every school year thereafter, a person who files a state income tax return and who is not a dependent of another taxpayer may claim a tax credit as provided in subsection (A) for instruction‑related expenditures paid by that person for the qualifying student for whom the tax credit was initially taken pursuant to subsection (A) who continues to be taught at home. For any year after the first year a taxpayer claims a credit pursuant to this section, the taxpayer shall attach the school attendance or birth record described in Section 59‑63‑625(A) and the previous year’s state tax return indicating the claim for credit to the current year’s tax return.

Section 59‑63‑630. (A) An independent school that accepts students pursuant to this article shall:

(1) be included on a list of eligible schools published by the Education Oversight Committee;

(2) comply with state and federal antidiscrimination laws;

(3) meet state and local health and safety laws and codes;

(4) comply with state statutes relating to independent schools, including the compulsory school attendance requirements provided in Section 59‑65‑10;

(5) employ or contract with teachers who hold a baccalaureate or higher degree, have at least three years of teaching experience in a public or independent school, or have special skills, knowledge, or expertise that qualify them to provide instruction in subjects taught;

(6) be academically accountable to the parent or guardian for meeting the education needs of the student;

(7) administer to students a nationally recognized achievement test and report the school’s aggregate score to all parents in accordance with Section 59‑63‑633;

(8) accept scholarship students who meet the admissions criteria of the school within the school’s capacity to accept additional students;

(9) have a physical location in the State in which the students attend classes;

(10) verify student enrollment and attendance for the previous year pursuant to the issuance of a tax credit receipt;

(11) be in operation for three years or post a surety bond or letter of credit equal to two hundred fifty thousand dollars;

(12) be a member in good standing of South Carolina Association of Christian Schools, South Carolina Independent Schools Association, or Southern Association of Colleges and Schools;

(13) annually contract with an independent certified public accountant to perform the accounting procedures as required by this section;

(14) participate, through the independent schools associations, with student scholarship organizations, in the joint development of procedures to be performed by an independent certified public accountant as required by this section, if the school received more than one hundred thousand dollars in scholarship funds from student scholarship organizations in the preceding fiscal year. These procedures uniformly must apply to all independent schools and must determine, at a minimum, whether the independent school has been verified as eligible by the Education Oversight Committee pursuant to Section 59‑63‑661; has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education‑related expenses. During the development of the procedures, the participating scholarship funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant’s performance of the procedures. The procedures and guidelines must be provided to independent schools and the Education Oversight Committee by June first of each year;

(15) participate in a joint review of the procedures and guidelines developed pursuant to item (14) by August 1, 2012, and biennially thereafter, if the school received more than one hundred thousand dollars in scholarship funds pursuant to this section during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to independent schools and the Education Oversight Committee by August 15, 2012, and biennially thereafter; and

(16) produce a report of the results of the procedures required in item (14) if the independent school receives more than one hundred thousand dollars in funds from scholarships awarded pursuant to this section in the preceding state fiscal year or a state fiscal year thereafter. An independent school subject to the provisions of this item shall submit the report by July first of the first full year of participation and annually thereafter to the scholarship funding organization that awarded the majority of the school’s scholarship funds. The procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

(B) The inability of an independent school to meet the requirements of this section constitutes a basis for the ineligibility of the independent school to participate in the scholarship program as determined by the Education Oversight Committee.

Section 59‑63‑633. To ensure that schools provide academic accountability to parents of students, receiving schools annually shall administer the Palmetto Assessment of State Standards (PASS) test or its equivalent or a nationally recognized norm‑ referenced test including, but not limited to, the Stanford Achievement Test or the Iowa Test of Basic Skills or other test certified by any other state to meet public school testing requirements under federal law, in the areas of mathematics and language arts to each student participating in the program. Receiving schools publicly shall disclose the aggregate results of the tests by grade level, but only if the disclosure of the aggregate results complies with 20 U.S.C. Section 1232g, Family Educational Rights and Privacy Act of 1974, and shall provide the parents of each student with a copy of the results. Receiving schools also shall provide aggregate results by grade level to the Chairman of the House Education and Public Works Committee, the Senate Education Committee, the Education Oversight Committee, and the Governor no later than August thirty‑first of the school year in which the tests are administered.

Section 59‑63‑647. The department may promulgate regulations to aid in the performance and assessment of its duties pursuant to this article; however, its power does not extend to matters of school governance, curriculum, hiring or firing, or religious beliefs or practices.

Section 59‑63‑648. The department may conduct examinations and investigations when it believes that the provisions of this article have been evaded or violated. All powers possessed by the department provided in Title 12 to conduct examinations and investigations apply to examinations and investigations conducted pursuant to this section.

Section 59‑63‑650. (A) The State Budget and Control Board, Office of Research and Statistics annually shall provide for the preparation of a report on the fiscal impact of the implementation of this article on school enrollment and state and local funding of public schools for the fiscal year most recently completed. The report must include, but may not be limited to, an analysis of and statement on the:

(1) change in public school enrollment, by school district, attributable to this article;

(2) amount of funds the State would have had to expend for public schools under all education funding formulas in existence on or before the enactment of this article and the amount actually expended by the State in public schools;

(3) amount of all federal and locally raised revenue, calculated on a per student basis, retained by the local school district for each student participating in the scholarship program who is not attending a public school;

(4) impact of the provisions of this article on teacher/pupil ratios in schools in which students have transferred as well as the need for construction of new schools; and

(5) calculation of savings to the state general fund as a result of the implementation of this article according to the provisions of Section 59‑63‑623.

(B) The report must be submitted by December first of each year to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee, the Board of Economic Advisors, the Education Oversight Committee, and the School Choice Trust Fund.

Section 59‑63‑655. (A)(1) The Education Oversight Committee, in coordination with the Department of Education, shall provide for a long‑term evaluation of the impact of this article. The evaluation must be conducted by contract with one or more qualified persons or entities with previous experience evaluating school choice programs. The evaluation must be conducted every five years; however, the first evaluation must be conducted to study the first three years of the impact of this article and must be completed by December 15, 2014. The evaluation must include an assessment of the:

(a) level of satisfaction of parents of students participating in the scholarship program provided in this article;

(b) level of satisfaction of parents of students in demographically similar public schools;

(c) academic performance of receiving independent schools and demographically similar public schools;

(d) level of student satisfaction with the scholarship program provided in this article;

(e) level of student satisfaction for students attending demographically similar public schools;

(f) impact of the provisions of this article on public school districts, public school students, independent schools, and independent school students;

(g) impact of the provisions of this article on independent school and public school capacity, availability, and quality; and

(h) cumulative savings to the state as calculated pursuant to Section 59‑63‑624.

(2) The evaluation must be conducted using appropriate analytical and behavioral science methodologies and must protect the identity of participating schools and students by, at a minimum, keeping anonymous all disaggregated data other than that for the categories of grade, gender, race, and ethnicity. The evaluation of public and independent school students must compute the relative efficiency of public and independent schools, the value added to educational performance by independent schools relative to failing public schools, and a comparison of acceptance rates into college, while adjusting or controlling for student and family background.

(B) State and local government entities shall cooperate with the persons or entities conducting the evaluation provided in subsection (A). Cooperation includes providing available student assessment results and other information needed to complete the evaluation.

(C) Upon completion of the evaluation, the Education Oversight Committee shall provide copies of the report to each member of the General Assembly. At the same time as the report is made public, the persons or entities who conducted the evaluation must make their data and methodology available for public review and inspection, but only if the release of the data and methodology complies with 20 U.S.C. Section 1232g, Family Educational Rights and Privacy Act of 1974.

Section 59‑63‑660. The provisions of this article regarding independent schools and their relation to student scholarship organizations apply only to independent schools that choose to accept scholarship students.

Section 59‑63‑661. The Education Oversight Committee shall:

(1) submit annually, by March fifteenth, a list of eligible nonprofit scholarship funding organizations that meet the requirements of Section 59‑63‑631;

(2) verify annually the eligibility of nonprofit scholarship funding organizations that meet the requirements of Section 59‑63‑631;

(3) verify annually the eligibility of independent schools that meet the requirements of Section 59‑63‑630;

(4) verify annually the eligibility of expenditures as provided in Section 59‑63‑631 using the audit required by Section 59‑63‑631(10);

(5) require an annual, notarized, sworn compliance statement by participating independent schools certifying compliance with state laws and retain those records;

(6) select an independent research organization, which may be a public or private entity or university, to which participating independent schools shall report the scores of participating students on the nationally norm‑referenced test administered by the independent school in grades three through ten;

(a) the independent research organization annually shall report to the Education Oversight Committee and the Department of Education on the year‑to‑year learning gains of participating students:

(i) on a statewide basis, the report also must include, to the extent possible, a comparison of these learning gains to the statewide learning gains of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program; and

(ii) according to each participating independent school in which there are at least thirty participating students who have scores for tests administered during or after the 2011‑2012 school year for two consecutive years at the independent school;

(b) the sharing and reporting of student learning gain data pursuant to this subitem must be in accordance with requirements of 20 U.S.C. 1232g, the Family Educational Rights and Privacy Act of 1974, and must be for the sole purpose of creating the annual report required by item (6)(a)(i). All parties must preserve the confidentiality of this information as required by law. The annual report may not disaggregate data to a level that will identify individual participating schools, except as required pursuant to item (6)(a)(ii), or disclose the academic level of individual students; and

(c) the annual report required in this item must be published by the Education Oversight Committee on its website.

(7) establish a hearing process for independent schools who have been removed from the list of eligible schools or who were not included on the annually published list with an appeal to the Administrative Law Judge Division;

(8) establish and maintain an Internet website including information on scholarship granting organizations and their policies and guidelines and information regarding options provided pursuant to this article for school choice in South Carolina;

(9) contract for and assist in the design and reporting of the evaluation provided in Section 59‑63‑655.

Section 59‑63‑662. The South Carolina Department of Education shall:

(1) cross‑check the list of participating independent schools with the public school enrollment lists to avoid duplication;

(2) notify an eligible nonprofit scholarship funding organization of any of the organization’s identified students who are receiving tax credit scholarships from other eligible nonprofit scholarship funding organizations;

(3) establish a process by which individuals may notify the Department of Education of any violation by a parent, independent school, or school district of state laws relating to program participation. The Department of Education shall conduct an inquiry of any written complaint of a violation of this section, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education has occurred. In order to determine legal sufficiency, the Department of Education may require supporting information or documentation from the complainant;

(4) maintain a list of nationally norm‑referenced tests identified for purposes of satisfying the testing requirement in Section 59‑63‑630(7). The tests must meet industry standards of quality in accordance with State Board of Education rule;

(5) require quarterly reports by an eligible nonprofit scholarship funding organization regarding the number of students participating in the scholarship program, the independent schools at which the students are enrolled, and other information deemed necessary by the Department of Education; and

(6) annually, by December fifteenth, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the actions of the Department of Education with respect to implementing accountability in the scholarship program pursuant to this section, any substantiated allegations or violations of law or rule by an eligible independent school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and the corrective action taken by the Department of Education.

Section 59‑63‑663. (A) A receiving independent school that accepts students benefiting from scholarships, grants, or tax credits is not an agent or arm of the state or federal government.

(B) Except as provided by this article, the Department of Education, Department of Revenue, State Budget and Control Board, or any other state agency may not regulate the educational program of a receiving independent school that accepts students pursuant to this article.”

SECTION 4. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3383. An individual may claim an income tax credit for tuition paid for a child to attend a qualifying independent school pursuant to the terms and conditions provided in Article 6, Chapter 63, Title 59.”

SECTION 5. If a section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, this holding does not affect the constitutionality or the validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words thereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. The provisions included in this act are repealed five years after the effective date of this act if the Office of Research and Statistics certifies that the savings anticipated pursuant to Section 59‑63‑24 have not been realized.

SECTION 7. This act takes effect upon approval by the Governor and applies at the start of the first school year beginning after approval of this act.

SECTION 8. Article 6, Chapter 63, Title 59 is amended by adding:

“Section 59‑63‑631. (A) A corporation or a person may claim a credit against state income tax imposed by Chapter 6, Title 12, bank tax imposed by Chapter 11, Title 12, license fees imposed by Chapter 20, Title 12, or insurance premium taxes imposed by Chapter 7, Title 38 or any combination of them for ninety‑five percent of the value of a contribution made to a student scholarship organization.

(B) A tax credit may not be claimed without a scholarship receipt.

(C) If the amount of the tax credit exceeds the taxpayer’s income tax liability or franchise fee tax liability for that taxable year, the taxpayer may carry forward the excess for up to three years.

(D) A student scholarship organization shall:

(1) allocate ninety‑five percent of its annual revenue received from donors who were issued scholarship receipts to scholarships or tuition grants for qualifying students to attend independent schools;

(2) not have an owner or operator who in the last seven years has filed for personal bankruptcy or corporate bankruptcy in a corporation of which he or she owned more than twenty percent;

(3) not have an owner or operator who owns or operates an eligible independent school that participates in the scholarship program;

(4) provide scholarships, from eligible contributions, to qualifying students to defray the cost of tuition and fees for an eligible independent school located in South Carolina;

(5) not restrict or reserve scholarships for use at a single independent school or provide scholarships to a child of an owner or operator;

(6) verify the eligibility through transcripts and attendance records of a qualifying student who applies for a scholarship;

(7) not use more than five percent of eligible contributions received during the state fiscal year in which the contributions are collected, and for which scholarship receipts were issued for tax credit purposes, for administrative expenses. These administrative expenses must be reasonable and necessary for the organization’s management and distribution of eligible contributions pursuant to this section. No more than one‑third of the funds authorized for administrative expenses pursuant to this item may be used for expenses related to the recruitment of contributions from taxpayers;

(8) expend an amount equal to or greater ninety‑five percent of the net eligible contributions remaining after administrative expenses are expended for annual or partial‑year scholarships during the state fiscal year in which these contributions are collected. No more than five percent of these net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected may be carried forward to the following state fiscal year. Any amounts carried forward must be expended for annual or partial‑year scholarships in the following state fiscal year. Net eligible contributions remaining on June thirtieth of each year that are in excess of the five percent that must be carried forward must be returned to the State Treasury for deposit in the general revenue fund;

(9) maintain separate accounts for scholarship funds and operating funds;

(10) provide to the Education Oversight Committee an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in compliance with generally accepted auditing standards. It also must include a report on financial statements presented in accordance with generally accepted accounting principles provided by the American Institute of Certified Public Accountants for not‑for‑profit organizations and a determination of compliance with statutory eligibility and expenditure requirements provided in this section. Audits must be provided to the Education Oversight Committee within one hundred eighty days after completion of the eligible nonprofit scholarship funding organization’s fiscal year;

(11) prepare and submit quarterly reports to the Department of Education. In addition, an eligible nonprofit scholarship funding organization must submit in a timely manner any information requested by the Education Oversight Committee relating to the scholarship program;

(12) participate in the joint development, with independent schools associations and other student scholarship organizations, of procedures to be performed by an independent certified public accountant as required pursuant to Section 59‑63‑630(14) if the student scholarship organization provided the majority of the scholarship funds received by a receiving school. The procedures uniformly must apply to all independent schools and must determine, at a minimum, whether the independent school has been verified as eligible by the Department of Education pursuant to Section 59‑63‑661; has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education‑related expenses. During the development of the procedures, the participating scholarship funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant’s performance of the procedures. The procedures and guidelines must be provided to independent schools and the Education Oversight Committee;

(13) participate in a joint review of the procedures and guidelines developed pursuant to Section 59‑63‑630(14) by August 1, 2012, and biennially thereafter. If the procedures and guidelines are revised, the revisions must be provided to independent schools and the Education Oversight Committee by August 15, 2012, and biennially thereafter;

(14) monitor the compliance of an independent school with Section 59‑63‑630 if the scholarship funding organization provided the majority of the scholarship funding to the school. For each independent school subject to Section 59‑63‑630(14), the appropriate scholarship funding organization shall notify the Education Oversight Committee by August 15, 2012, and annually thereafter of:

(a) an independent school’s failure to submit the report required pursuant to Section 59‑63‑630; or

(b) any material exceptions set forth in the report required pursuant to Section 59‑63‑630; and

(15) seek input from state recognized independent school accreditation organizations or other independent school associations when jointly developing the procedures and guidelines provided in Section 59‑63‑630 and conducting a review of those procedures and guidelines pursuant to Section 59‑63‑630.”/

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

Rep. HERBKERSMAN spoke in favor of the amendment.

Rep. BRANNON moved to table the Bill.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 60; Nays 59

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Battle | Bowers |
| Brady | Branham | Brannon |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Cole | Cooper | Dillard |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hart | Hayes | Hiott |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Mitchell | V. S. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Parks | Pinson | Sabb |
| Sellers | Skelton | J. E. Smith |
| Stavrinakis | Tallon | Weeks |
| Whipper | Whitmire | Williams |

**Total--60**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Brantley |
| Chumley | Clemmons | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hixon | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | Murphy |
| Nanney | Norman | Owens |
| Patrick | Pitts | Pope |
| Quinn | Ryan | Simrill |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Taylor | Thayer | Toole |
| Tribble | Viers | White |
| Willis | Young |  |

**Total--59**

So, the Bill was tabled.

**H. 3407--MOTION TO RECONSIDER TABLED**

Rep. COBB-HUNTER moved to reconsider the vote whereby the following Bill was tabled:

H. 3407 -- Reps. Herbkersman, Owens, Quinn, Simrill, Stringer, Bedingfield, Barfield, Bowen, Clemmons, Corbin, Delleney, Hamilton, Hardwick, Harrison, Henderson, Hixon, Limehouse, Loftis, Long, Lowe, McCoy, D. C. Moss, Murphy, Nanney, Patrick, Pitts, Ryan, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Taylor, Viers, Crawford, Spires, Tribble, Lucas, Brantley, Edge and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EDUCATIONAL OPPORTUNITY ACT" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59 SO AS TO PROVIDE THAT A QUALIFYING STUDENT IS ELIGIBLE TO RECEIVE A SCHOLARSHIP TO ATTEND AN INDEPENDENT SCHOOL IF HE MEETS CERTAIN CONDITIONS, AND TO PROVIDE THE VALUE OF THOSE SCHOLARSHIPS; TO ALLOW A TAX CREDIT TO BE TAKEN BY A PERSON WHO FILES STATE INCOME TAX FOR TUITION PAID FOR A QUALIFYING STUDENT TO ATTEND AN INDEPENDENT SCHOOL UPON CERTAIN CONDITIONS, TO PROVIDE THE VALUE OF THE TAX CREDIT, TO PROVIDE THAT THE TAX CREDIT MAY BE TAKEN IN FUTURE YEARS UPON CERTAIN CONDITIONS, TO REQUIRE A RECEIPT TO CLAIM THE TAX CREDIT, AND TO PROVIDE THAT A TAX CREDIT MAY NOT BE TAKEN IF THE STUDENT'S ENROLLMENT IN THE INDEPENDENT SCHOOL IS TERMINATED; TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO CALCULATE THE SAVINGS TO THE STATE GENERAL FUND DERIVED FROM THE PROVISIONS OF THIS ARTICLE, TO PROVIDE THE MECHANISM FOR THAT CALCULATION, TO PROVIDE FOR TAX CREDITS TO BE TAKEN FOR TUITION PAID FOR OTHER STUDENTS TO ATTEND INDEPENDENT SCHOOLS, AND TO PROVIDE FOR THE TOTAL AND INDIVIDUAL AMOUNTS OF THOSE TAX CREDITS; TO PROVIDE FOR A TAX CREDIT FOR A PERSON WHO TEACHES A QUALIFYING STUDENT AT HOME, AND TO PROVIDE THAT THE TAX CREDIT MAY BE TAKEN IN FUTURE YEARS UPON CERTAIN CONDITIONS; TO ALLOW A CORPORATION OR PERSON TO CLAIM A CREDIT AGAINST STATE INCOME TAX OR FRANCHISE FEES FOR A CONTRIBUTION MADE TO A STUDENT SCHOLARSHIP ORGANIZATION; TO PROVIDE DUTIES FOR INDEPENDENT SCHOOLS AND STUDENT SCHOLARSHIP ORGANIZATIONS WITH REGARD TO THIS ARTICLE; TO PROVIDE TESTING REQUIREMENTS; TO ALLOW THE DEPARTMENT OF REVENUE TO PROMULGATE NECESSARY REGULATIONS AND TO CONDUCT NECESSARY EXAMINATIONS AND INVESTIGATIONS; TO PROVIDE REPORTING REQUIREMENTS BY THE STATE BUDGET AND CONTROL BOARD AND THE LEGISLATIVE AUDIT COUNCIL; TO PROVIDE DUTIES OF THE EDUCATION OVERSIGHT COMMITTEE AND THE DEPARTMENT OF EDUCATION WITH REGARD TO THIS ARTICLE; TO PROVIDE THAT AN INDEPENDENT SCHOOL IS NOT AN AGENT OR ARM OF THE STATE OR FEDERAL GOVERNMENT WITH RESPECT TO THIS ARTICLE; TO PROVIDE THAT OTHER STATE AGENCIES MAY NOT REGULATE THE EDUCATIONAL PROGRAM OF AN INDEPENDENT SCHOOL; AND BY ADDING SECTION 12-6-3383 SO AS TO ALLOW AN INDIVIDUAL TO CLAIM AN INCOME TAX CREDIT PURSUANT TO THE PROVISIONS OF ARTICLE 6, CHAPTER 63, TITLE 59.

Rep. COBB-HUNTER moved to table the motion to reconsider.

Rep. SIMRILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 61; Nays 59

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Battle | Bowers |
| Brady | Branham | Brannon |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Cole | Cooper | Dillard |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hart | Hayes | Hiott |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Mack |
| McEachern | McLeod | Mitchell |
| V. S. Moss | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | Pinson |
| Sabb | Sellers | Skelton |
| J. E. Smith | Stavrinakis | Tallon |
| Weeks | Whipper | Whitmire |
| Williams |  |  |

**Total--61**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Brantley |
| Chumley | Clemmons | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hixon | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | Murphy |
| Nanney | Norman | Owens |
| Patrick | Pitts | Pope |
| Quinn | Ryan | Simrill |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Taylor | Thayer | Toole |
| Tribble | Viers | White |
| Willis | Young |  |

**Total--59**

So, the motion to reconsider was tabled.

**H. 4088--DEBATE ADJOURNED**

Rep. STAVRINAKIS moved to adjourn debate upon the following Bill until Thursday, May 26, which was adopted:

H. 4088 -- Reps. Ott, Brantley, Hardwick, Cobb-Hunter, Crawford, Spires, Frye, Gilliard, Battle, Bales, J. H. Neal, Jefferson, Atwater, Brannon, Patrick, Anthony, Bowers, Branham, Clyburn, Hayes, Huggins, Long, Lowe, J. M. Neal and Toole: A BILL TO AMEND SECTION 14-1-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADDITIONAL ASSESSMENT FOR OFFENSES TRIED IN MAGISTRATES COURT, SO AS TO ADD VIOLATIONS OF TITLE 50 TO THE OFFENSES EXEMPT FROM THE ADDITIONAL ASSESSMENT.

**H. 3789--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Thursday, May 26, which was adopted:

H. 3789 -- Reps. McLeod, Brantley, Chumley, J. H. Neal, Jefferson, Neilson, Alexander, Gilliard, Bales, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Hixon, Hodges, Hosey, Mack, Weeks and Whipper: A BILL TO AMEND SECTION 17-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF A LAW ENFORCEMENT OFFICER IN PURSUIT OF AN OFFENDER, SO AS TO INCREASE THE LIMIT WHERE THE TOWN OR CITY'S JURISDICTION CEASES FROM THREE MILES TO FIVE MILES OF THE CORPORATE LIMITS.

**RECURRENCE TO THE MORNING HOUR**

Rep. BANNISTER moved that the House recur to the Morning Hour, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 25, 2011

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 211:

S. 211 -- Senators Matthews, Land, Leatherman, Leventis, Hutto, Williams, Ford and McGill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 24, 2011

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 50, S. 586 by a vote of 32 to 7:

(R50, S586) -- Senators Hayes, O’Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin, Coleman, Ford, Cromer, Alexander and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑11‑715 SO AS TO PROVIDE THAT THE EMPLOYEE INSURANCE PROGRAM OF THE BUDGET AND CONTROL BOARD IS DIRECTED TO DEVELOP AND IMPLEMENT, FOR EMPLOYEES AND THEIR SPOUSES WHO PARTICIPATE IN THE HEALTH PLANS OFFERED BY THE EMPLOYEE INSURANCE PROGRAM, AN INCENTIVE PLAN TO ENCOURAGE PARTICIPATION IN PROGRAMS OFFERED BY THE EMPLOYEE INSURANCE PROGRAM THAT PROMOTE HEALTH AND THE PREVENTION OF DISEASE, AND TO PROVIDE THAT THE EMPLOYEE INSURANCE PROGRAM IS FURTHER DIRECTED TO IMPLEMENT A PREMIUM REDUCTION OR OTHER FINANCIAL INCENTIVE, BEGINNING ON JANUARY 1, 2012, FOR THOSE EMPLOYEES AND THEIR SPOUSES WHO PARTICIPATE IN THESE PROGRAMS; AND TO AMEND SECTION 1‑11‑720, AS AMENDED, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO REVISE THE ELIGIBILITY PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS BY INCLUDING DISTRICTS WHICH PROVIDE SANITATION SERVICES AND TO EXTEND THIS ELIGIBILITY TO JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

Very respectfully,

President

**R. 50, S. 586--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 23, 2011

The Honorable Ken Ard

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate,

I am vetoing and returning without my signature S.586, R-50, a bill which expands participation in the State’s Health and Dental Plan to include non-state agencies, including joint electric and power agencies and sanitation special purpose districts.

**I am vetoing S.586 because I believe the continuous expansion of the State Health Plan to non-state, quasi public-private entities will lead to unintended fiscal consequences.** Since the 1980s, the General Assembly has passed legislation to open the State Health Plan to dozens of optional special groups, many of which have very little nexus to state government, including public-private entities, non-profits, and associations that receive no state funds. During a time when public pensions and healthcare trust funds are facing massive liabilities, both state and local governments cannot risk further liabilities to these funds.

Currently, the State’s unfunded liability for the future health benefits of state and school district retirees over the course of 30 years is $9.145 billion, according to the State’s Retiree Health Care Plan Actuarial Valuation Report issued this month.  To close this gap, the State would need to put approximately $417 million into the trust fund each year, over and above each year’s current retiree health costs. It is only reasonable that all optional participants – including Palmetto Pride, federally qualified health centers, legislative caucus committees, South Carolina Student Loan Corporation, special purpose districts, counties, local boards, and South Carolina Education Association, among many others – have similar unfunded liabilities. Taxpayers and current participants in the system are facing enough financial burdens and should not have to worry about further risks to already unsustainable systems.

For these reasons, I am vetoing S.586, R-50.

My very best,

Nikki R. Haley

Governor

**HOUSE RESOLUTION**

The following was introduced:

H. 4273 -- Reps. Tallon, Allison, Mitchell, Forrester, Brannon, Chumley, Anthony, Parker and Cole: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE MEMBERS AND VETERANS OF THE USS COWPENS (CG63), UPON THE TWENTIETH ANNIVERSARY OF ITS COMMISSIONING AT THE CHARLESTON NAVAL BASE, AND TO WELCOME THEM TO THE CITY OF COWPENS FOR THE MIGHTY MOO FESTIVAL AND REUNION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4274 -- Reps. Horne, Knight, Murphy and Harrell: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE FORT DORCHESTER HIGH SCHOOL BOYS GOLF TEAM FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR GARNERING THE 2011 CLASS AAAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4280 -- Reps. Cobb-Hunter, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR FRANK STALEY, JR., OF ORANGEBURG COUNTY FOR HIS MANY YEARS OF SERVICE TO THE BOY SCOUTS OF AMERICA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 919 -- Senators Scott, Lourie, Courson and Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND SOUTH CAROLINA HIGHWAY 555 IN RICHLAND COUNTY "ADELL T. ADAMS INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "ADELL T. ADAMS INTERCHANGE".

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 4275 -- Rep. G. A. Brown: A BILL TO AMEND ACT 426 OF 2006, THE "SCHOOL DISTRICT OF LEE COUNTY SCHOOL BOND PROPERTY TAX RELIEF ACT", RELATING TO AUTHORIZATION FOR THE IMPOSITION OF A ONE CENT SALES AND USE TAX IN LEE COUNTY, THE REVENUES OF WHICH MUST BE USED FOR SCHOOL CONSTRUCTION AND RENOVATION, SO AS TO EXTEND FROM FIVE TO EIGHT YEARS THE TIME THE TAX MAY BE IMPOSED.

Rep. G. A. BROWN asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. BOWEN objected.

Referred to Lee County Delegation

H. 4276 -- Reps. Nanney, Bowen, Loftis, Corbin, Bedingfield, Hamilton, Henderson, G. R. Smith, Stringer and Willis: A BILL TO AMEND SECTION 5-31-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION AND TERMS OF COMMISSIONERS OF PUBLIC WORKS IN MUNICIPALITIES WITH AT LEAST FIFTY THOUSAND RESIDENTS, SO AS TO REQUIRE THE ELECTION OF TWO ADDITIONAL PUBLIC WORKS COMMISSIONERS WHO RESIDE OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY THAT PROVIDES WATER OR SEWER SERVICES TO UNINCORPORATED AREAS.

Referred to Committee on Labor, Commerce and Industry

H. 4277 -- Reps. Crosby, Brantley, G. A. Brown, R. L. Brown and Hosey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-3-790 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MUST CONDUCT A NOISE STUDY WHEN IT PLANS TO CONSTRUCT, EXPAND, OR IMPROVE A HIGHWAY.

Referred to Committee on Education and Public Works

H. 4278 -- Reps. Clemmons, Hardwick and Pitts: A BILL TO AMEND SECTION 50-11-500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL TAKING, POSSESSION, OR KILLING OF A WILD TURKEY, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO EXPORT A WILD TURKEY OUT OF THIS STATE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4279 -- Reps. Loftis, Hamilton, Nanney, G. R. Smith and Stringer: A BILL TO AMEND SECTION 6-15-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRACTS WITH OTHER AGENCIES FOR JOINT COLLECTION OF CHARGES FOR SEWER AND WATER SERVICE, SO AS TO DEFINE THE MAXIMUM FEE THAT MAY BE COLLECTED PER SINGLE JOINT BILL FOR SEWER AND WATER SERVICE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 747 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO UNEMPLOYMENT INSURANCE REFORM (ARTICLE 1), DESIGNATED AS REGULATION DOCUMENT NUMBER 4169, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

**H. 3400--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3400 -- Rep. Weeks: A BILL TO AMEND SECTION 63-3-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OF THE FAMILY COURT IN CERTAIN MATTERS, SO AS TO PROVIDE THAT A CHILD SUPPORT OBLIGATION AUTOMATICALLY TERMINATES WHEN THE CHILD TURNS EIGHTEEN OR GRADUATES FROM HIGH SCHOOL, WHICHEVER IS SOONER.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11663AC11), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 of the bill and inserting:

/ SECTION 1. Section 63-3-530(A)(17) of the 1976 Code is amended to read:

“(17) To make all orders for support run until further order of the court, except that orders for child support ~~run until~~ terminate when the child ~~is~~ turns eighteen years of age or ~~until~~ when the child is married or becomes self‑supporting, as determined by the court, whichever occurs first~~;~~, or ~~without further order,~~ past the age of eighteen years if the child is enrolled and still attending high school, not to exceed high school graduation or the end of the school year after the child reaches nineteen years of age, whichever is later; or in accordance with a preexisting agreement or order to provide for child support past the age of eighteen years; or in the discretion of the court, to provide for child support past age eighteen ~~where~~ when there are physical or mental disabilities of the child or other exceptional circumstances that warrant the continuation of child support beyond age eighteen for as long as the physical or mental disabilities or exceptional circumstances continue. When child support is terminated due to the child turning eighteen years of age, graduating from high school, or reaching the end of the school year when the child is nineteen, no arrearage may be incurred as to that child after the date of the child’s eighteenth birthday, the date of the child’s graduation from high school, or the last day of the school year when the child is nineteen, whichever date terminated the child support obligation.”/

Renumber sections to conform.

Amend title to conform.

Rep. VIERS explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Barfield |
| Battle | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sabb | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Tallon |
| Taylor | Toole | Tribble |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3385--AMENDED AND DEBATE INTERRUPTED**

The following Bill was taken up:

H. 3385 -- Reps. D. C. Moss, V. S. Moss, Harrison, Delleney, Gambrell, Harrell, Hiott, Hixon, Lucas and Norman: A BILL TO AMEND SECTION 61-6-4160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL SALE OF ALCOHOLIC LIQUORS ON SUNDAYS AND ELECTION DAYS, SO AS TO INCLUDE CHRISTMAS DAY AND THANKSGIVING DAY IN THE PURVIEW OF THE STATUTE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7387AHB11), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 61‑6‑4160 of the 1976 Code is amended to read:

“Section 61‑6‑4160. It is unlawful to sell alcoholic liquors on Sunday except as authorized by law, ~~on statewide election days,~~ or during periods proclaimed by the Governor in the interest of law and order ~~or public morals and decorum~~. It is unlawful for retail liquor stores to sell alcoholic liquors on Christmas Day. Full authority to proclaim these periods is conferred upon the Governor in addition to all his other powers. A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days;

(b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and

(c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. VIERS explained the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. VIERS continued speaking.

Rep. VIERS spoke in favor of the amendment.

The amendment was then adopted.

Reps. G. R. SMITH, YOUNG, DELLENEY and CLEMMONS proposed the following Amendment No. 2 (COUNCIL\NBD\ 11736DG11):

Amend the bill, as and if amended, SECTION 1, page [3385-1], by striking line 33 and inserting:

/ liquor stores to sell liquors on Christmas Day and Thanksgiving Day. Full /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of Amendment No. 2.

**RECURRENCE TO THE MORNING HOUR**

Rep. DELLENEY moved that the House recur to the Morning Hour, which was agreed to.

**H. 3385--REQUESTS FOR DEBATE**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment 2:

H. 3385 -- Reps. D. C. Moss, V. S. Moss, Harrison, Delleney, Gambrell, Harrell, Hiott, Hixon, Lucas and Norman: A BILL TO AMEND SECTION 61-6-4160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL SALE OF ALCOHOLIC LIQUORS ON SUNDAYS AND ELECTION DAYS, SO AS TO INCLUDE CHRISTMAS DAY AND THANKSGIVING DAY IN THE PURVIEW OF THE STATUTE.

Reps. G. R. SMITH, YOUNG, DELLENEY and CLEMMONS proposed the following Amendment No. 2 (COUNCIL\ NBD\11736DG11):

Amend the bill, as and if amended, SECTION 1, page [3385-1], by striking line 33 and inserting:

/ liquor stores to sell liquors on Christmas Day and Thanksgiving Day. Full /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH spoke in favor of the amendment.

Rep. HARRISON spoke upon the amendment.

Reps. CRAWFORD, HART, KING, J. H. NEAL, KNIGHT, COBB-HUNTER, OTT, BALLENTINE, DANING, ERICKSON, R. L. BROWN, TAYLOR, HIXON, J. R. SMITH, WEEKS, OWENS, AGNEW, GILLIARD, G. R. SMITH, BARFIELD, POPE, NANNEY, ANDERSON, CORBIN, MITCHELL, HEARN, JEFFERSON and WILLIAMS requested debate on the Bill.

**S. 404--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 404 -- Senators Campsen, McConnell, Land, Peeler, Alexander, Bryant, Campbell, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Grooms, Hayes, Hutto, Jackson, Knotts, Leventis, Matthews, L. Martin, Massey, McGill, O'Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Thomas, Verdin, Williams, Lourie, Scott, Leatherman, Shoopman, Malloy, Bright and S. Martin: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT"; TO AMEND SECTION 7-15-400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE-IN ABSENTEE BALLOTS, SO AS TO ALLOW A VOTER TO MAKE A STATEMENT ON A FEDERAL WRITE-IN ABSENTEE BALLOT THAT HE IS UNABLE TO VOTE BY REGULAR ABSENTEE BALLOT OR IN PERSON DUE TO THE REQUIREMENTS OF MILITARY SERVICE, LIVING IN AN ISOLATED AREA, OR AN EXTREMELY REMOTE AREA OF THE WORLD, AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE-IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO ADD SECTION 7-15-406 TO ARTICLE 5, CHAPTER 13, TITLE 7, SO AS TO REQUIRE ALL ABSENTEE BALLOTS MUST BE MAILED TO THE ELECTOR AT LEAST FORTY-FIVE DAYS PRIOR TO ANY ELECTION; TO AMEND SECTION 7-15-460, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; AND TO AMEND SECTION 7-15-220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT.

Rep. CLEMMONS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Hamilton | Harrell | Hart |
| Hayes | Hearn | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pitts |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--108**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on business with the Senate during the vote on S. 404. If I had been present, I would have voted in favor of the Bill.

Rep. Nelson Hardwick

**S. 391--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7-13-40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7-13-350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11666SD11), which was adopted:

Amend the bill, as and if amended, by adding a new SECTION to be appropriately numbered which shall read:

/SECTION \_\_. (1) This section may be cited as the “South Carolina Uniformed and Overseas Citizens Absentee Voters Act”.

(2) Section 7‑15‑400 of the 1976 Code is amended to read:

“Section 7‑15‑400. (A) A qualified ~~absentee~~ elector ~~as provided in subsection (C) of this section~~ of this State who is eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., may apply not earlier than ninety days before an election for a special write‑in absentee ballot. This ballot must be used for each general and special election and primaries for federal offices, statewide offices, and members of the General Assembly.

(B) The application for a special write‑in absentee ballot may be made on the federal postcard application form, or its electronic equivalent or on a form prescribed by the State Election Commission.

(C) In order to qualify for a special write‑in absentee ballot, the voter must state that he is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal postcard application or on a form prepared by the State Election Commission and supplied and returned with the special write‑in absentee ballot.

(D) Upon receipt of this application, the County Board of Registration shall issue the special write‑in absentee ballot which must be prescribed and provided by the State Election Commission. The ballot shall list the offices for election in the general election. It may list the candidates for office if known at the time of election. This ballot shall permit the elector to vote by writing in a party preference for each federal, state, and local office, the names of specific candidates for each federal, state, and local office, or the name of the person whom the voter prefers for each office.

(E) A qualified elector may alternatively submit a federal write‑in absentee ballot for any federal, state, or local office or state or local ballot measure.”

(3) Section 7‑15‑405(A) of the 1976 Code is amended to read:

“(A) For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., an absentee ballot with an absentee instant runoff ballot for each potential second primary must be ~~mailed~~ sent to the elector at least forty‑five days prior to the primary election.”

(4) Article 5, Chapter 15, Title 7 of the 1976 Code is amended by adding:

“Section 7‑15‑406. For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., an absentee ballot must be sent to the elector at least forty‑five days prior to any election. If a qualified elector requests a ballot within the forty‑five day period before an election, an absentee ballot must be sent to the elector no later than the close of the next business day following receipt of the request.”

(5) Section 7‑15‑460(A) of the 1976 Code is amended to read:

“(A) To ensure that all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., have the opportunity to receive and cast any ballot they would have been eligible to cast if they resided in and had remained in South Carolina, the State Election Commission must, in cooperation with United States government agencies, take all steps and action as may be necessary including, but not limited to, electronic transmissions of Standard Form 76A, or its successor form, issued by the federal government as an application for voter registration and an application for absentee ballots and electronic transmissions of absentee ballots ~~to or from any elector eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act~~ for all elections for federal, state, and local offices to voters in accordance with his preferred method of transmission.”

(6) Section 7‑15‑220 of the 1976 Code is amended to read:

“Section 7‑15‑220. (A) The oath, a copy of which is required by item (2) of Section 7‑15‑200 to be sent each absentee ballot applicant and which is required by Section 7‑15‑230 to be returned with the absentee ballot applicant’s ballot, shall be signed by the absentee ballot applicant and witnessed. The oath shall be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots with which this oath is enclosed is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ ~~19~~20 \_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Witness

(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).”

(7) Section 7‑15‑380 of the 1976 Code is amended to read:

“Section 7‑15‑380. (A) The oath, which is required by Section 7‑15‑370 to be imprinted on the return‑addressed envelope, furnished each absentee ballot applicant, must be signed by the absentee ballot applicant and witnessed. The address of the witness shall appear on the oath. In the event the voter cannot write because of a physical handicap or illiteracy, the voter must make his mark and have the mark witnessed by someone designated by the voter. The oath must be in the following form:

‘I hereby swear (or affirm) that I am duly qualified to vote at this election according to the Constitution of the State of South Carolina, that I have not voted during this election, that the ballot or ballots contained in this envelope is my ballot and that I have received no assistance in voting my ballot that I would not have been entitled to receive had I voted in person at my voting precinct.’

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Voter

Dated on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ ~~19~~20 \_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Witness

(B) Qualified voters under the Uniformed and Overseas Citizens Absentee Voters Act are exempt from witness requirements in subsection (A).”

(8) Section 7‑15‑320 of the 1976 Code is amended to read:

“Section 7‑15‑320. (A) A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections when he is absent from his county of residence on election day during the hours the polls are open, to an extent that it prevents him from voting in person ~~except that physically disabled persons, certified poll watchers, poll managers, county voter registration board members and staff, and county election commission members and staff working on election day, a person admitted to a hospital as an emergency patient on the day of an election or within a four day period before an election, and persons whose employment obligations required that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board, and persons confined to a jail or pre‑trial facility pending disposition of arrest or trial may vote by absentee ballot whether or not absent from their county of residence~~:

(1) students, their spouses, and dependents residing with them;

(2) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;

(3) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

~~(4)~~ ~~persons in employment;~~

~~(5)~~ ~~physically disabled persons;~~

~~(6)~~(4) governmental employees, their spouses, and dependents residing with them;

~~(7)~~ ~~electors with a death or funeral in the family within a three day period before the election;~~

~~(8)~~(5) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or

~~(9)~~ ~~certified poll watchers, poll managers, county voter registration board members and staff, county~~~~election commission members and staff working on election day;~~

~~(10)~~(6) overseas citizens~~;~~

~~(11)~~  ~~persons attending sick or physically disabled persons;~~

~~(12) persons admitted to hospitals as emergency patients on the day of an election or within a four day period before the election;~~

~~(13)~~  ~~persons who will be serving as jurors in a state or federal court on election day;~~

~~(14)~~  ~~persons sixty‑five years of age or older;~~

~~(15)~~  ~~persons confined to a jail or pre‑trial facility pending disposition of arrest or trial~~.

(B) A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not he is absent from his county of residence on election day:

(1) physically disabled persons;

(2) persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board;

(3) certified poll watchers, poll managers, county voter registration board members and staff, countyand state election commission members and staff working on election day;

(4) persons attending sick or physically disabled persons;

(5) persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election;

(6) persons with a death or funeral in the family within a three‑day period before the election;

(7) persons who will be serving as jurors in a state or federal court on election day;

(8) persons sixty‑five years of age or older; or

(9) persons confined to a jail or pre‑trial facility pending disposition of arrest or trial.”

(9) If any subsection paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this section is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this section and each and every subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

(10) This section takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Taylor | Thayer |
| Toole | Tribble | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--111**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3676--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3676 -- Reps. J. E. Smith, Clemmons, Dillard, Herbkersman, Limehouse, Mitchell and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 31 SO AS TO ENACT THE "SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011", TO DEFINE TERMS, MAKE FINDINGS, TO PROVIDE THAT THE PURPOSE OF A COMMUNITY LAND TRUST IS TO HOLD LEGAL AND EQUITABLE TITLE TO LAND TO THEN LEASE THE LAND TO PROMOTE AFFORDABILITY, TO PROVIDE THE MANNER IN WHICH COMMUNITY LAND TRUSTS ARE FUNDED, AND TO PROVIDE THE PROCESS BY WHICH COMMUNITY LAND TRUSTS OPERATE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11667DG11), which was adopted:

Amend the bill, as and if amended, by striking 31-23-40(C) before the first item, on page 4, lines 40 and 41, and inserting:

/ (C) The bylaws of a CLT shall provide, at a minimum, that: /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

The amendment was then adopted.

Rep. J. E. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Johnson | King | Knight |
| Limehouse | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Quinn | Rutherford | Ryan |
| Sabb | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--104**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Bikas | Corbin |

**Total--3**

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3676. If I had been present, I would have voted in favor of the Bill.

Rep. Gilda Cobb-Hunter

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. A. BROWN a leave of absence for the remainder of the day.

**S. 592--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 592 -- Senators Hayes, Leventis, Cromer, Rose, Scott, Knotts, Alexander and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25-1-10, RELATING TO THE STATE MILITARY CODE'S DEFINITIONS, SO AS TO DEFINE THE TERM "ORGANIZED MILITIA"; TO AMEND SECTION 25-1-40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25-1-60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25-1-70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL'S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25-1-120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25-1-340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25-1-635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25-1-830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25-1-1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25-1-2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM "STATE JUDGE ADVOCATE" MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25-1-2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25-1-2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25-1-2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25-1-2550, RELATING TO GENERAL COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2560, RELATING TO SPECIAL COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2570, RELATING TO SUMMARY COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS-MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25-1-2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS-MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25-1-2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE'S APPOINTMENT AUTHORITY; TO AMEND SECTION 25-1-2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT-MARTIAL PROCEEDINGS; TO AMEND SECTION 25-1-2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25-1-3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25-1-3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25-1-3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\GGS\22119ZW11), which was adopted:

Amend the bill, as and if amended, Section 25-1-3065, as contained in SECTION 24, page 13, lines 32-37, by deleting the SECTION in its entirety and inserting:

/ SECTION 24. Section 25-1-3065 of the 1976 Code is amended to read:

“Section 25-1-3065. ~~Any officer~~ A person subject to the Code of Military Justice, who is convicted of conduct unbecoming ~~an officer~~ a member of the National Guard, may be punished as a court‑martial ~~may direct~~ directs.” /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

The amendment was then adopted.

Rep. J. E. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pope |
| Rutherford | Ryan | Sabb |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 4236--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4236 -- Reps. Mitchell, Loftis and Dillard: A JOINT RESOLUTION TO ESTABLISH THE SOUTH CAROLINA EQUITABLE REDEVELOPMENT COMMISSION AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION AND ITS DUTIES AND FUNCTIONS.

Rep. MITCHELL explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 9

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | Munnerlyn |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pope |
| Quinn | Rutherford | Sabb |
| Sellers | Simrill | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | Whitmire |
| Williams | Willis |  |

**Total--98**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Bikas | Crosby |
| Daning | Merrill | Ryan |
| G. M. Smith | Viers | Young |

**Total--9**

So, the Joint Resolution was read the second time and ordered to third reading.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**RECURRENCE TO THE MORNING HOUR**

Rep. SKELTON moved that the House recur to the Morning Hour, which was agreed to.

**REPORT OF STANDING COMMITTEE**

Rep. G. A. BROWN, from the Lee Delegation, submitted a favorable report on:

H. 4275 -- Rep. G. A. Brown: A BILL TO AMEND ACT 426 OF 2006, THE "SCHOOL DISTRICT OF LEE COUNTY SCHOOL BOND PROPERTY TAX RELIEF ACT", RELATING TO AUTHORIZATION FOR THE IMPOSITION OF A ONE CENT SALES AND USE TAX IN LEE COUNTY, THE REVENUES OF WHICH MUST BE USED FOR SCHOOL CONSTRUCTION AND RENOVATION, SO AS TO EXTEND FROM FIVE TO EIGHT YEARS THE TIME THE TAX MAY BE IMPOSED.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4281 -- Reps. Horne, Harrell, Knight and Murphy: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR MR. JOSEPH R. PYE OF DORCHESTER COUNTY FOR HIS OUTSTANDING CONTRIBUTIONS TO SOUTH CAROLINA PUBLIC SCHOOLS AND TO CONGRATULATE HIM ON BEING NAMED 2012 SOUTH CAROLINA SUPERINTENDENT OF THE YEAR.

The Resolution was adopted.

**H. 3474--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3474 -- Rep. Sandifer: A BILL TO AMEND SECTION 6-8-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO SEPARATE THE COUNCIL INTO THE SOUTH CAROLINA COMMERCIAL BUILDING CODES COUNCIL AND THE SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-5, AS AMENDED, RELATING TO THE PUBLIC POLICY FOR BUILDING CODES, SO AS TO MAKE SPECIFIC REFERENCE TO BOTH THE COMMERCIAL BUILDING CODES COUNCIL AND THE RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-20, AS AMENDED, RELATING TO AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES, SO AS TO MAKE SPECIFIC REFERENCE TO BOTH THE COMMERCIAL BUILDING CODES COUNCIL AND THE RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-40, AS AMENDED, RELATING TO BUILDING CODE ADOPTION PROCEDURE, SO AS TO CLARIFY THE AUTHORITY OF BOTH THE COMMERCIAL BUILDING CODES COUNCIL AND THE RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-63, RELATING TO THE COMPOSITION AND FUNCTIONS OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO DEFINE THE COMPOSITION OF BOTH THE COMMERCIAL BUILDING CODES COUNCIL AND THE RESIDENTIAL BUILDING CODES COUNCIL; AND TO AMEND SECTION 6-9-105, RELATING TO CODE VARIATIONS BASED ON PHYSICAL OR CLIMATOLOGICAL CONDITIONS, SO AS TO INCLUDE GEOLOGICAL CONDITIONS AS A CONSIDERATION FOR A VARIANCE, AND TO MAKE SPECIFIC REFERENCE TO THE APPROPRIATE COUNCIL FOR THE SUBMISSION OF PROPOSED VARIANCES.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11673AC11), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 6‑9‑40 of the 1976 Code, as last amended by Act 54 of 2007, is further amended to read:

“Section 6‑9‑40. (A)(1) The council is authorized to review, adopt, modify, and promulgate the building codes referenced in Section 6‑9‑50, ~~provided that~~ in accordance with the following:

~~(1)~~(a) A notice of intention to adopt a code, adopt a new edition of a code, or modify an existing code must be published in the State Register as a Notice of General Interest, on websites published by the Department of Labor, Licensing and Regulation, and must be provided to each local building department with instructions for its prominent display~~;~~.

~~(2)~~(b) The notice must include:

~~(a)~~(i) the address to which interested persons may submit written comments; and

~~(b)~~(ii) a period of not less than one hundred eighty days during which comments may be received~~;~~.

~~(3)~~(c) Comments must be assigned to a study committee appointed by the council which shall publish a Notice of General Interest in the same manner as provided in item (a) setting out the committee’s scope of review. The notice must give instructions for filing an intention to appear before or provide evidence or comments to the committee, or both. The committee must be comprised of at least three people with different technical backgrounds~~;~~. ~~and~~

~~(4)~~(d) The committee shall hold at least one public meeting, accept evidence and comments, and make a written recommendation to the council. Within one hundred eighty days from the end of the comment period, the council shall adopt, modify, or deny the recommendations from the committee. The council may modify or amend the code after a finding on the record that the modifications provide a reasonable degree of public health, safety, and welfare. (2) ~~Any~~ An amended or modified code ~~shall~~ must be codified as provided for in Section ~~1‑23‑90~~ 6‑9‑55. The council shall determine whether the amended or modified code becomes effective on the first day of January or July. However, a code amended or modified pursuant to subsection (A)(1) does not take effect until the council has promulgated the code amendment or modification as a regulation pursuant to Section 6‑9‑55.

(B)(1) If it is discovered at any time between building code cycles that an existing building code requirement constitutes a new threat to the life or safety of building occupants that was unknown when the building code was last approved, an emergency building code modification may be made by the council. An emergency building code modification shall take effect on a date established by the council.

(2) The council must provide notice of a request for an emergency building code modification in the same manner as required for a regular council meeting.

(3) The council must conduct a hearing to consider an emergency building code modification at an open council meeting, and all proponents and opponents must be given ample time to state their positions.

(4) An emergency modification of a regulation pursuant to this subsection or the Administrative Procedures Act is not a permanent modification of the regulation until the council has complied with the requirements of subsection (A)(1) and Section 6‑9‑55.

(C) Modifications promulgated pursuant to this section do not require readoption by the council for subsequent editions of the building codes. Upon submission of a formal request, existing modifications ~~shall~~ must be reconsidered each time a new edition of the building code is considered for adoption by the council.”

SECTION 2. Section 6‑9‑55 of the 1976 Code, as added by Act 232 of 2010, is amended to read:

“Section 6‑9‑55. (A)(1) The council shall promulgate as regulations, in accordance with the procedure and requirements contained in Article 1, Chapter 23, Title 1, the Administrative Procedures Act, any provision of or amendment to any building code that was adopted pursuant to Section 6‑9‑40(A) that would affect construction requirements for one‑family or two‑family dwellings.

(2) If a modification is requested to be made, or is made, to a regulation pursuant to the Administrative Procedures Act, the provisions of the Administrative Procedures Act govern, and the council is not required to also comply with the provisions of Section 6‑9‑40(A)(1).

(3) If an emergency arises pursuant to Section 6‑9‑40(B) requiring a modification of a regulation, the council may proceed under the emergency provisions of the Administrative Procedures Act or Section 6‑9‑40(B), or both; if both, the provisions of both run concurrently and must be construed so as not to create a conflict. However, to permanently modify the regulation, the council shall comply with the provisions of Section 6‑9‑40(A)(1) and promulgate the modification in accordance with this section.

(B) No building code provision that would otherwise become effective after the effective date of this section concerning construction requirements for one‑family or two‑family dwellings shall be enforced until the effective date of the regulations required to be promulgated by this section.

~~(B)~~(C) Notwithstanding ~~subsection (A)~~ the provisions of this section, a regulation mandating the installation of an automatic residential fire sprinkler system in one‑family or two‑family dwellings shall not become effective at any time before January 1, 2014.”

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bikas |
| Bowen | Bowers | Brady |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--109**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 694--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 694 -- Senator Bryant: A BILL TO AMEND SECTION 41-15-520 OF THE 1976 CODE, RELATING TO REMEDIES FOR EMPLOYEES CHARGING DISCRIMINATION, TO PROVIDE FOR REFERRAL TO THE UNITED STATES DEPARTMENT OF LABOR ALLEGATIONS MADE BY A PRIVATE SECTOR EMPLOYEE OF A VIOLATION OF SECTION 41-15-510 AND TO PROVIDE FOR CIVIL REMEDIES.

Reps. SANDIFER and COBB‑HUNTER proposed the following Amendment No. 1 (COUNCIL\AGM\19143AB11), which was adopted:

Amend the bill, as and if amended, Section 41‑15‑520, as contained in SECTION 1, page 1, line 40, by deleting / immediately / and inserting / within fifteen days /

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Taylor |
| Thayer | Toole | Tribble |
| Viers | Weeks | Whipper |
| White | Williams | Willis |
| Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 890--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 890 -- Senators L. Martin and Alexander: A BILL TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE PICKENS COUNTY SCHOOL BOARD OF TRUSTEES, TO PROVIDE THAT THE ELECTORS RESIDING IN THE DELLWOOD SUBDIVISION OF ANDERSON COUNTY SHALL BE ELIGIBLE TO VOTE IN THE ELECTION OF, AND HOLD OFFICE FOR, THE MEMBER OF THE BOARD OF TRUSTEES IN THE CLOSEST CONTIGUOUS SCHOOL DISTRICT IN PICKENS COUNTY.

Rep. SKELTON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 57; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Bales | Bannister |
| Bikas | Bingham | Bowen |
| Brady | Branham | H. B. Brown |
| Butler Garrick | Chumley | Clemmons |
| Corbin | Delleney | Edge |
| Erickson | Forrester | Gambrell |
| Harrell | Hart | Hiott |
| Hodges | Howard | Huggins |
| King | Knight | Limehouse |
| Lowe | Lucas | McEachern |
| McLeod | Mitchell | D. C. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Owens | Parker |
| Parks | Patrick | Pinson |
| Pope | Simrill | Skelton |
| G. M. Smith | Sottile | Spires |
| Thayer | Toole | Tribble |
| Viers | White | Williams |

**Total--57**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**S. 172--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O'Dell, S. Martin, Ford and McGill: A BILL TO AMEND ARTICLE 2, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59-101-670 TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE; AND TO AMEND ARTICLE 15, CHAPTER 1, TITLE 1, RELATING TO REPORTING OF EXPENDITURES OF STATE APPROPRIATED FUNDS BY STATE AGENCIES, PERSONAL DATA AND THE LIKE, BY ADDING SECTION 1-1-1040 TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY'S, DEPARTMENT'S, OR INSTITUTION'S MONTHLY STATE PROCUREMENT CARD STATEMENTS OR MONTHLY REPORTS CONTAINING ALL OR SUBSTANTIALLY ALL THE SAME INFORMATION CONTAINED IN THE MONTHLY STATE PROCUREMENT CARD STATEMENTS.

Rep. COOPER proposed the following Amendment No. 1 (COUNCIL\BBM\10273HTC11), which was adopted:

Amend the bill, as and if amended, by adding two appropriately numbered SECTIONS to read:

/ SECTION \_\_.

Part I

Citation

A. This section is known and may be cited as the “South Carolina Higher Education Efficiency and Administrative Policies Act of 2011”.

Part II

Facilities and Capital Expenditure Revisions

B. 1. Article 2, Chapter 101, of the 1976 Code is amended by adding:

“Section 59‑101‑670. (A) Project Proposals. Notwithstanding another provision of law, a public institution of higher learning that intends to establish a permanent improvement project shall submit a preliminary request to the Joint Bond Review Committee and receive favorable review from the Joint Bond Review Committee before any funds may be expended for architectural and engineering services for the project. In addition, the public institution of higher learning shall submit the permanent improvement project proposal to the Commission on Higher Education for information purposes only. The commission may make nonbinding recommendations concerning the proposal to the Joint Bond Review Committee and the public institution of higher learning. A preliminary request shall include:

(1) a complete description of the proposed project;

(2) a statement of justification of the proposed project;

(3) a statement of the purposes and intended uses of the proposed project;

(4) the estimated total cost of the proposed project;

(5) an estimate of the additional future annual operating costs associated with the proposed project;

(6) a statement on the expected impact of the proposed project on the five‑year operating plan of the public institution proposing the project;

(7) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and

(8) the specification of the priority of each project among those proposed.

(B) Project Establishment. Upon completion of the architectural and engineering plans, including an estimated total cost of the project, a public institution of higher learning concurrently shall submit to the Joint Bond Review Committee and the Budget and Control Board the project proposal for review by both bodies. In addition, the public institution of higher learning shall submit the permanent improvement project proposal to the Commission on Higher Education for information purposes only. The commission may make nonbinding recommendations concerning the proposal to the Joint Bond Review Committee, the Budget and Control Board, and the public institution of higher learning. In making its proposal, the public institution of higher learning shall include:

(1) a complete description of the proposed project;

(2) a statement of justification of the proposed project;

(3) a statement of the purposes and intended uses of the proposed project;

(4) the estimated total cost of the proposed project;

(5) an estimate of the additional future annual operating costs associated with the proposed project;

(6) a statement on the expected impact of the proposed project on the five‑year operating plan of the public institution proposing the project;

(7) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and

(8) the specification of the priority of each project among those proposed.

(C) The Joint Bond Review Committee and the Budget and Control Board shall notify the institution of their favorable review or approval of the permanent improvement project, as per their authority, within forty‑five days of receipt of the proposal. The review of the Joint Bond Review Committee must be rendered by the collective body. The Budget and Control Board only is required to meet to discuss the project if the Governor with an additional two of the five members of the board express opposition or concerns of the project in writing. This letter must be sent by the Governor’s office to all Budget and Control Board members and the public institution of higher learning board of trustees within the forty‑five day time period. A permanent improvement project proposal is deemed to be favorably reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board if either fails to notify the public institution of higher learning of its finding within forty‑five days of receipt of the proposal.

(D) Except as provided in subsection (E)(2), a proposal to finance all or any part of any project using any funds not previously authorized specifically for the permanent improvement project by the General Assembly or using any funds not previously approved for the project must be referred to the Joint Bond Review Committee for its review and the Budget and Control Board for its approval prior to implementation by the public institution of higher learning.

(E)(1) A proposed revision of the scope that exceeds the total cost of subsection (E)(2) is deemed substantial and must be reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board prior to any final action by the public institution of higher learning. In making their determinations regarding changes in project scope, the committee and board shall utilize the permanent improvement project proposal and justification statements, together with supporting documentation considered at the time the project was authorized or established originally. Except as provided in subsection (E)(2), a proposal to increase the budget of a previously approved project by the institution of higher learning must be deemed in all cases to be a substantial revision of a project budget which must be referred to the committee for review and to the board for its approval.

(2) Notwithstanding subsection (E)(1), a previously approved improvement project undertaken by a public institution of higher learning, whose total costs increase not more than ten percent of the most recently approved total costs, not to exceed two million dollars, is not required to have that proposal reviewed by the Joint Bond Review Committee and the Budget and Control Board. The proposal, however, is subject to staff level review of the Joint Bond Review Committee.

(F)(1) For purposes of this section, with regard to public institutions of higher learning, a permanent improvement project is defined as:

(a) acquisition of land costing more than two hundred fifty thousand dollars. For the acquisition of land costing two hundred fifty thousand dollars or less, the proposal is subject to staff level review;

(b) acquisition, as opposed to the construction, of buildings or other structures costing more than two hundred fifty thousand dollars. For the acquisition, as opposed to construction, of building or other structures costing two hundred fifty thousand dollars or less, the proposal is subject to staff level review;

(c) work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is one million dollars or more;

(d) capital lease purchase of a facility acquisition or construction in which the total cost is one million dollars or more;

(e) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract must be included as a part of a project in which the total cost is one million dollars or more; and

(f) new construction of a facility that exceeds a total cost of five hundred thousand dollars.

(2) A permanent improvement project that meets the definition provided in subsection (F)(1) must become a project, regardless of the source of funds.

(G) For projects submitted to the Joint Bond Review Committee and the Budget and Control Board for review, the committee and the board may request the assistance of the Office of the State Treasurer to review the feasibility and financing structure of the project.

(H) For purposes of establishing permanent improvement projects, Clemson University Public Service Activities (Clemson‑PSA) and South Carolina State University Public Service Activities (SC State‑PSA), are subject to the provisions of this chapter.”

2. The general effective date otherwise provided in this section does not apply the provisions of this subsection B.1. The provisions of this subsection become effective upon approval of this act by the Governor and apply to proposals offered by a public institution of higher learning offered after the effective date of this section.

C. Article 2, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59‑53‑168. (A) The State Board for Technical and Comprehensive Education (state board) is granted the authority to employ and administer certain administrative efficiency provisions provided in Sections 2‑47‑53, 2‑47‑54, 59‑147‑30, 11‑35‑1210, 11‑35‑1550(2), 11‑35‑3310, 11‑35‑4810, 1‑7‑170, 59‑101‑620, and 1‑11‑55(2) of the 1976 Code. The state board shall establish a tiered system for categorizing technical colleges with respect to their financial strength and ability to manage day‑to‑day operations. Technical colleges, by way of application from their area commissions, may request the state board apply these administrative efficiency provisions to their respective institutions. The state board shall review the technical college’s request and determine the proper category for the technical college.

(B) The state board shall establish an advisory board to provide oversight and review of the provisions of this chapter. The state board shall submit an annual report on oversight to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee by November fifteenth of each year and shall submit a report every two years to include how changes have benefitted the agency to the Governor and the Chairmen of the House Ways and Means Committee, the Senate Finance Committee, the House Education and Public Works Committee, and the Senate Education Committee.”

Part III

Financing and Administrative Improvements

D. Section 59‑147‑30 of the 1976 Code, as last amended by Act 2 of 2009, is further amended to read:

“Section 59‑147‑30. Subject to the ~~approval~~ favorable review of the ~~State Budget and Control Board by resolution duly adopted,~~ Joint Bond Review Committee, approval of the institutional board, as defined by Section 2‑47‑53(G), and the provisions of Sections 59‑147‑42 and 59‑147‑43, the university may issue revenue bonds of the university for the purpose of financing or refinancing in whole or in part the cost of acquisition, construction, reconstruction, renovation and improvement of land, buildings, and other improvements to real property and equipment for the purpose of providing facilities serving the needs of the university including, but not limited to:

(1) dormitories, apartment buildings, dwelling houses, bookstores and other university operated stores, laundries, dining halls, cafeterias, parking facilities, student recreational, entertainment and fitness related facilities, inns, conference and other nondegree educational facilities and similar auxiliary facilities of the university and any other facilities which are auxiliary to any of the foregoing excluding, however, athletic department projects which primarily serve varsity athletic teams of the university; and

(2) those academic facilities as may be authorized by joint resolution of the General Assembly.”

E. Chapter 147, Title 59 of the 1976 Code is amended by adding:

“Section 59‑147‑42. By resolution duly adopted pursuant to the requirements of Section 59‑147‑40, the institutional board shall transmit to the State Treasurer a request for the issuance of revenue bonds. The request must include:

(1) the name of the institution requesting issuance of revenue bonds, the amount of revenue bonds requested for issuance, and the annual principal and interest requirements on all then outstanding revenue bonds;

(2) a statement that the institutional board has made the findings required of it by Section 59‑147‑40;

(3) the proposed maturity schedule of the bonds;

(4) the anticipated aggregate annual principal and interest requirements for the bonds;

(5) the numbers and maturity dates of the bonds which are subject to redemption prior to their stated maturities;

(6) the proposed redemption premium schedule;

(7) the actual and projected revenues anticipated to be pledged by the institution supporting issuance of the bonds; and

(8) any other schedules, analyses, and documents prescribed by the State Treasurer which, in his discretion, are necessary to support the request for issuance of revenue bonds pursuant to this chapter.”

F. Chapter 147, Title 59 of the 1976 Code is amended by adding:

“Section 59‑147‑43. The State Treasurer shall examine the request provided pursuant to Section 59‑147‑42, and if he determines that the facts and circumstances support the request for issuance of revenue bonds pursuant to this chapter, he shall provide for the issuance of revenue bonds in the amount approved by the institutional board.”

G. Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Article 7

Provisions Applicable to Bond Acts for Institutions of Higher Learning

Section 59‑101‑1010. As used in this article:

(1) ‘Bond acts’ means the various revenue bond acts for public institutions, including those identified in this item and also including any others not identified in this item.

(a) University of South Carolina:

(i) Act 518 of 1980 ‑ Athletic Facilities Revenue Bonds;

(ii) Act 366 of 2008 ‑ Business School Revenue Bonds;

(iii) Article 3, Chapter 117, Title 59 ‑ Auxiliary Facilities Revenue Bonds;

(b) Clemson University:

(i) Article 5, Chapter 119, Title 59 ‑ Clemson Revenue Bonds;

(ii) Article 9, Chapter 119, Title 59 ‑ Athletic Facilities Revenue Bonds;

(iii) Article 7, Chapter 119, Title 59 ‑ Auxiliary Facilities Revenue Bonds;

(c) Medical University of South Carolina:

(i) Act 392 of 1982 ‑ Student and Faculty Housing Facilities;

(d) The Citadel:

(i) Article 3, Chapter 121, Title 59 ‑ Citadel Athletic Facilities Bonds;

(ii) Chapter 122, Title 59 ‑ The Citadel Housing Revenue Bonds;

(e) College of Charleston:

(i) Chapter 130, Title 59 ‑ Revenue Bonds;

(ii) Chapter 131, Title 59 ‑ Parking Facilities at the College of Charleston;

(iii) Act 1281 of 1970 ‑ Student and Faculty Housing Revenue Bonds and Plant Improvement Bonds;

(iv) Act 77 of 1975 ‑ Parking Facilities Revenue Bonds;

(v) Act 653 of 1978 ‑ Student and Housing Revenue Bonds;

(f) South Carolina State University:

(i) Article 3, Chapter 127, Title 59 ‑ Special Obligations Bonds;

(ii) Article 4, Chapter 127, Title 59 ‑ South Carolina State University Academics and Admissions Faculty Facilities Bonds;

(g) Winthrop University:

(i) Article 3, Chapter 125, Title 59 ‑ Winthrop University Facilities Revenue Bond Act;

(ii) Article 5, Chapter 125 ‑ Winthrop University Athletic Facilities Bonds;

(iii) Act 488 of 1965 ‑ Student and Faculty Housing Revenue Bonds;

(h) Coastal Carolina University:

(i) Article 3, Chapter 136, Title 59 ‑ Revenue Bonds;

(i) Lander University:

(i) Act 1305 of 1974 ‑ Student and Faculty Housing Revenue Bonds;

(j) Francis Marion University:

(i) Act 653 of 1978 ‑ Student and Faculty Housing Revenue Bonds;

(ii) Article 3, Chapter 133, Title 59 ‑ Athletic Facilities Revenue Bonds.

(2) ‘Public institution of higher learning’ is defined by Section 59‑103‑5.

Section 59‑101‑1020. All authority and duties of the State Budget and Control Board with respect to bond acts is devolved upon the Joint Bond Revenue Committee established pursuant to Chapter 47, Title 2, for review and approval by the corresponding institutional board pursuant to this title.”

Part IV

Procurement Code Revisions

H. Section 11‑35‑1210 of the 1976 Code, as last amended by Act 376 of 2006, is further amended by adding an appropriately numbered item at the end to read:

“( ) Subject to item (1), the State Board for Technical and Comprehensive Education, in coordination with the appropriate Chief Procurement Officer, may approve a cumulative total of up to fifty thousand dollars in additional procurement authority for technical colleges, provided that the designated board office makes no material audit findings concerning procurement. As provided by regulation, any authority granted pursuant to this paragraph is effective when certified in writing by the designated board office.”

I. Section 11‑35‑1550(2) of the 1976 Code, as last amended by Act 376 of 2006, is further amended to read:

“(2) Competition and Price Reasonableness.

(a) Purchases not in excess of two thousand five hundred dollars. Except as provided in subitem (d), small purchases not exceeding two thousand five hundred dollars may be accomplished without securing competitive quotations if the prices are considered reasonable. The purchasing office must annotate the purchase requisition: ‘Price is fair and reasonable’ and sign. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchase ‘not in excess of’ may more than offset potential savings in detecting instances of overpricing. Action to verify the reasonableness of the price need be taken only when the procurement officer of the governmental body suspects that the price may not be reasonable, comparison to previous price paid, or personal knowledge of the item involved.

(b) Purchases over two thousand five hundred dollars to ten thousand dollars. Except as provided in subitem (d), solicitation of written quotes from a minimum of three qualified sources of supply must be made and documentation of the quotes attached to the purchase requisition for a small purchase over two thousand five hundred dollars but not in excess of ten thousand dollars. The award must be made to the lowest responsive and responsible sources.

(c) Purchases over ten thousand dollars up to fifty thousand dollars. Written solicitation of written quotes, bids, or proposals must be made for a small purchase over ten thousand dollars but not in excess of fifty thousand dollars. The procurement must be advertised at least once in the South Carolina Business Opportunities publication or through a means of central electronic advertising as approved by the designated board office. A copy of the written solicitation and written quotes must be attached to the purchase requisition. The award must be made to the lowest responsive and responsible source or, when a request for proposal process is used, the highest ranking offeror.

(d) For public institutions of higher learning in this State excluding technical colleges, small purchase amounts to which the provisions of subitem (a) apply are those purchases not exceeding ten thousand dollars, and for these purchases subitem (b) above does not apply. In addition, purchasing cards of the institution for these purchases also may be used by officials or employees of the institution as the governing board approves.

(e) For technical colleges as authorized by the State Board for Technical and Comprehensive Education, small purchase amounts to which the provisions of item (2)(a) apply are those purchases that do not exceed ten thousand dollars. The State Board for Technical and Comprehensive Education shall approve this authority for technical colleges. In addition, if authority is approved, technical colleges may use purchasing cards for these purchases.”

J. Section 11‑35‑3310 of the 1976 Code, as last amended by Act 174 of 2008, is further amended to read:

“Section 11‑35‑3310. (1) General Applicability. Indefinite delivery contracts may be awarded on an as‑needed basis for construction services pursuant to the procedures in Section 11‑35‑3015(2)(b) and for architectural‑engineering and land surveying services pursuant to Section 11‑35‑3220.

(a) Construction Services. When construction services contracts are awarded, each contract ~~shall~~ must be limited to a total expenditure of seven hundred fifty thousand dollars for a two‑year period with individual project expenditures not to exceed one hundred fifty thousand dollars; provided, that these limits for public institutions of higher learning, as defined by Section 59‑103‑5, in this subitem are one million dollars for total expenditures and two hundred fifty thousand dollars for individual expenditures within the time periods specified.

(b) Architectural‑Engineering and Land Surveying Services. When architectural‑engineering and land surveying services contracts are awarded, each contract shall be limited to a total expenditure of three hundred thousand dollars for a two‑year period with individual project expenditures not to exceed one hundred thousand dollars; provided, that these limits for public institutions of higher learning, as defined by Section 59‑103‑5, in this subitem are five hundred thousand dollars for total expenditures and two hundred thousand dollars for individual expenditures within the time periods specified.

(2) Small Indefinite Delivery Contracts. Small indefinite delivery contracts for architectural‑engineering and land surveying services may be procured as provided in Section 11‑35‑3230. A contract established under this section ~~shall be~~ is subject to and included in the limitations for individual and total contract amounts provided in Section 11‑35‑3230, and any regulations promulgated thereunder except that the individual and total contract limits are fifty and one hundred fifty thousand dollars respectively for public institutions of higher learning, as defined by Section 59‑103‑5.”

K. Section 11‑35‑4810 of the 1976 Code, as last amended by Act 153 of 1997, is further amended to read:

“Section 11‑35‑4810. ~~Any~~ A public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. ~~Such~~ This cooperative purchasing may include, but ~~is~~ may not be limited to, joint or ~~multi‑party~~ multiparty contracts between public procurement units and open‑ended state public procurement unit contracts which ~~shall~~ may be made available to local public procurement units, except as provided in Section 11‑35‑4820 or except as ~~may~~ otherwise may be limited by the board through regulations.

However, thirty days notice of a proposed multi‑state solicitation ~~shall~~ must be provided through central advertising and such contracts may be only awarded to manufacturers who will be distributing the products to South Carolina governmental bodies through South Carolina vendors; provided, however, that the provisions of this paragraph do not apply to public institutions of higher learning if the institution demonstrates a cost savings to the Office of State Procurement in regard to the multistate solicitation and procurement.”

Part V

Miscellaneous Provisions

L. Section 1‑7‑170 of the 1976 Code, as added by Act 353 of 2008, is amended to read:

“Section 1‑7‑170. (A) A department or agency of state government may not engage on a fee basis an attorney at law except upon the written approval of the Attorney General and upon a fee as must be approved by him. This section does not apply to the employment of attorneys in special cases in inferior courts when the fee to be paid does not exceed two hundred fifty dollars or exceptions approved by the State Budget and Control Board. This section does not apply to an attorney hired by the General Assembly or the judicial department.

(B) A public institution of higher learning shall engage and compensate outside counsel in accordance with policies and procedures adopted by the State Budget and Control Board for matters of bonded indebtedness, public finance, borrowing, and related financial matters.”

M. Article 1, Chapter 101, Title 59 of the 1976 Code, as added by Act 143 of 2005, is amended by adding:

“Section 59‑101‑55. State appropriated funds may not be used to provide out‑of‑state subsidies to students attending state‑supported public institutions of higher learning.”

N. Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59‑112‑115. When the governing board of a public institution of higher learning, excluding technical colleges, adopts a change to the tuition or fees imposed on students, the change may be implemented by the institution only after a public vote with the number of trustees voting for and against the change being counted. A majority vote is required to implement any change to the tuition or fees. For technical colleges, when the local area commission of a technical college adopts a change to the tuition or fees imposed on students, the change may be implemented by the technical college only after a public vote with the number of local area commissioners voting for and against the change being counted. A majority vote is required to implement any change to the tuition or fees. A change to tuition or fees adopted by the local area commission must be reported to the State Board for Technical and Comprehensive Education within five business days.”

O. Section 1‑11‑55(2) of the 1976 Code is amended to read:

“(2) The State Budget and Control Board is hereby designated as the single central broker for the leasing of real property for governmental bodies. ~~No~~ A governmental body shall enter into any lease agreement or renew any existing lease ~~except~~ only in accordance with the provisions of this section, except that institutional boards shall approve for public institutions of higher learning to enter into any lease agreement or renew any lease up to one‑hundred thousand dollars annually for each property or facility.”

Part VI

Severability and Time Effective

P. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this section is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this section, the General Assembly hereby declaring that it would have passed this section, and each and every subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Q. Unless otherwise provided, this section takes effect upon approval of this act by the Governor.

SECTION \_\_. Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59‑11‑140. The area commission for the Florence‑Darling Technical College may waive the requirements of this chapter for student participants in the Caterpillar Dealer Academy operated by Florence‑Darlington Technical College.” /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Brantley | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**S. 823--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 823 -- Senators Knotts, Ford, Williams, Setzler, Campbell, O'Dell, Bryant, Rankin, Cleary, McConnell, McGill, Land, Campsen and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-681 SO AS TO DESIGNATE COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE.

Rep. HAMILTON moved to recommit the Bill to the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. FRYE moved to table the motion.

Rep. SIMRILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 59; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Anthony |
| Atwater | Bales | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Corbin |
| Crosby | Daning | Dillard |
| Edge | Frye | Funderburk |
| Gambrell | Gilliard | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Loftis | Mack | McEachern |
| McLeod | Mitchell | V. S. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Pinson | Quinn | Rutherford |
| Sabb | Spires | Toole |
| White | Williams |  |

**Total--59**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Ballentine |
| Barfield | Bedingfield | Bikas |
| Chumley | Clemmons | Cole |
| Crawford | Delleney | Erickson |
| Forrester | Hamilton | Henderson |
| Hixon | Limehouse | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | Nanney | Norman |
| Owens | Parker | Patrick |
| Pope | Ryan | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| Sottile | Stavrinakis | Tallon |
| Taylor | Thayer | Tribble |
| Viers | Weeks | Whitmire |
| Willis | Young |  |

**Total--44**

So, the House refused to recommit the Bill.

Reps. HAMILTON, STAVRINAKIS, ATWATER, TALLON, PATRICK, QUINN, BINGHAM, SPIRES, NANNEY, HENDERSON, G. R. SMITH, HARDWICK, TAYLOR, HIXON, J. R. SMITH, BALLENTINE, FRYE, CLYBURN and HOSEY requested debate on the Bill.

**H. 4258--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4258 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ELECTRONIC EQUIPMENT COLLECTION AND RECOVERY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4179, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. HIOTT explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 22

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Daning | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | V. S. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Parks | Pinson | Pope |
| Quinn | Rutherford | Sabb |
| Skelton | Spires | Stavrinakis |
| Tallon | Thayer | Toole |
| Tribble | Weeks | Whipper |
| White | Whitmire | Williams |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Bikas |
| Clemmons | Crawford | Delleney |
| Hamilton | Limehouse | McCoy |
| Merrill | D. C. Moss | Norman |
| Owens | Patrick | Ryan |
| Simrill | G. M. Smith | Sottile |
| Taylor | Viers | Willis |
| Young |  |  |

**Total--22**

So, the Joint Resolution was read the second time and ordered to third reading.

**H. 4005--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4005 -- Reps. Corbin, Hardwick, Stringer, Loftis, Ryan, Bannister, Agnew, Barfield, V. S. Moss, Thayer, Murphy, Hearn, Norman, Gambrell, Sottile, Limehouse, Chumley, Bikas, Crawford, Clemmons, Crosby, Daning, Delleney, Hamilton, Hayes, Hixon, Hodges, D. C. Moss, Nanney, Owens, Patrick, Pinson, Pitts, Pope, Simrill, G. R. Smith, J. R. Smith, Tallon, Taylor, White and Young: A BILL TO AMEND SECTION 39-25-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING ADULTERATED OR MISBRANDED FOOD AND COSMETICS, SO AS TO PROVIDE A DEFINITION FOR THE TERM "HONEY" AND TO PROVIDE LABELING REQUIREMENTS FOR HONEY.

Rep. CORBIN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--112**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**OBJECTION TO RECALL**

Rep. BOWEN asked unanimous consent to recall H. 4256 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. OTT objected.

**OBJECTION TO RECALL**

Rep. MITCHELL asked unanimous consent to recall H. 3738 from the Committee on Ways and Means.

Rep. ATWATER objected.

**H. 3295--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61-6-1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNERS ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

Rep. HARRISON proposed the following Amendment No. 1A (COUNCIL\NBD\11707DG11), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 61‑6‑20(3) in its entirety and inserting:

/ (3) ‘Homeowners association chartered as a nonprofit by the Secretary of State’ means an organization that has been recognized as a nonprofit by the Secretary of State, whose membership is limited to individuals who own property in the residential community, and whose affairs are governed by a board of directors elected by the membership. No member, officer, agent, or employee of the association may be paid a salary or other form of compensation from any of the profit of the sale of alcoholic beverages, except as may be voted on at a meeting of the governing body, nor shall the salaries or compensation be in excess of reasonable compensation for the services actually performed. Additionally, a ‘homeowners association chartered as a nonprofit by the Secretary of State’ must abide by all alcoholic liquor regulations that apply to a nonprofit organization, as defined by Section 61‑6‑20(7), except that upon dissolution of the ‘homeowners association chartered as a nonprofit by the Secretary of State’, the remaining assets, if any, may be distributed to its members. A ‘homeowners association chartered as a nonprofit by the Secretary of State’ is eligible to be licensed under this chapter only at facilities located within the boundaries of the homeowners association. /

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

The amendment was then adopted.

Rep. PITTS proposed the following Amendment No. 2A (COUNCIL\DKA\3663SD11), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. (1) Section 61‑4‑550 of the 1976 Code, as last amended by Act 259 of 2010, is further amended to read:

“Section 61-4-550. (A) The department may issue permits ~~to nonprofit organizations~~ running for a period not exceeding fifteen days for a fee of ten dollars per day. ~~For purposes of this section, a “nonprofit organization” is an entity which is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purposes, and which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State.~~ These special permits may be issued only for locations at fairs and special functions.

(B) The department shall require the applicant to obtain a criminal records check conducted by the State Law Enforcement Division within ninety days prior to an ~~initial~~ application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. ~~For a subsequent application, the applicant is not required to obtain a new criminal records check unless:~~

~~(1) more than two years have elapsed since the most recent criminal records check was conducted; or~~

~~(2) the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.~~

(C) ~~The department shall require the applicant to notify in writing a minimum of fifteen days prior to the first day of a fair or special function the sheriff, or sheriff’s designee, of the county in which the fair or special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of the receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.~~ The department shall require the applicant to complete the law enforcement notification provision contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the temporary permit application and given an opportunity to object.

(D) ~~Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 1, Chapter 4, Title 61.~~ The department may issue up to twenty-five temporary permits to sell beer and wine on one application for special functions in a twelve-month period to the same applicant, if that applicant is also applying for up to twenty-five temporary licenses to sell alcoholic liquors by the drink, pursuant to Section 61-6-2000(D). This does not prohibit the applicant from applying for additional special permits within the same twelve-month period.”

(2) Section 61-6-2000 of the 1976 Code, as last amended by Act 259 of 2010, is further amended to read:

“Section 61-6-2000. (A) ~~Notwithstanding another provision of this article, the department may issue to a nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function for a period not to exceed twenty‑four hours. A qualifying nonprofit organization may sell tickets at the door. The application for this temporary license must include a statement by the applicant as to the nature and date of the special function at which alcoholic liquor by the drink is to be sold, as well as other information required by the department. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The department may deny the application if the completed application and filing fee are not submitted at least fifteen days before the date of the special function, but upon request by the applicant, the department may waive this requirement.~~ In addition to the licenses authorized pursuant to the provisions of subarticle 1 of this article, the department may also issue a temporary license to a nonprofit organization, as defined in Section 61-6-20, which authorizes that nonprofit organization to purchase and to sell alcoholic liquors by the drink for a period not to exceed twenty-four hours at a single social occasion. The nonprofit organization may sell tickets for the social occasion to non-members. Notwithstanding another provision of this article, the issuance of this license authorizes the nonprofit organization to purchase alcoholic liquors from licensed retail dealers in the same manner that a person with a biennial license issued pursuant to subarticle 1 of this article purchases its alcoholic liquors. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The temporary license application must include a statement by the applicant as to the nature and date of the special function at which the alcoholic liquors are to be sold. The department in its discretion may specify the terms and conditions of the license, pursuant to existing statutes and regulations governing these applications.

(B) The department shall require the applicant to obtain a criminal background check conducted by the State Law Enforcement Division within ninety days prior to an ~~initial~~ application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. ~~For a subsequent application, the applicant is not required to obtain a new criminal records check unless:~~

~~(1) more than two years have elapsed since the most recent criminal records check was conducted; or~~

~~(2) the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.~~

(C) ~~The department shall require the applicant to notify in writing within fifteen days the sheriff, or the sheriff’s designee, of the county in which the special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.~~ The department shall require the applicant to complete the law enforcement notification contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the temporary license application and given an opportunity to object.

(D) The department may issue up to twenty‑five temporary licenses on one application for special functions in a twelve‑month period to the same nonprofit organization. This does not prohibit the nonprofit organization from applying for additional temporary licenses within the same twelve‑month period.

~~(E)~~ ~~For purposes of this section, “nonprofit organization” is an entity that is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purpose, and is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes a political party or affiliate of a political party duly certified by the Secretary of State.~~

~~(F)~~ ~~Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 13, Chapter 6, Title 61.~~”

(3) Notwithstanding the general effective date of this act, this section takes effect on July 1, 2011. /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 10

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parks | Patrick |
| Pope | Quinn | Ryan |
| Sabb | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Barfield | Bikas |
| Corbin | Frye | Hiott |
| Loftis | Parker | Pinson |
| Willis |  |  |

**Total--10**

The amendment was then adopted.

Rep. MERRILL proposed the following Amendment No. 3A (COUNCIL\NBD\11739AHB11), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑630. Notwithstanding any other provision of law, an establishment possessing a beer and wine permit that is located in a county or municipality that has conducted a favorable referendum allowing the sale of consumption of alcoholic liquors by the drink on Sunday under the provisions of Section 61‑6‑2010, during those same hours authorized by permits issued under Section 61‑6‑2010, may sell, possess, and permit the consumption of beer and wine on the premises.” /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

The yeas and nays were taken resulting as follows:

Yeas 84; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Battle |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Herbkersman | Hixon | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Norman | Ott |
| Parks | Patrick | Pope |
| Quinn | Ryan | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Tribble | Weeks | White |
| Whitmire | Williams | Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Barfield | Butler Garrick |
| Chumley | Corbin | Frye |
| Hiott | Loftis | J. H. Neal |
| J. M. Neal | Neilson | Owens |
| Parker | Pinson | Sabb |
| J. R. Smith | Toole | Viers |
| Willis |  |  |

**Total--19**

The amendment was then adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

Rep. DELLENEY moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3302 -- Reps. J. E. Smith, Vick, Pinson, Agnew, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Young, Patrick, Umphlett and Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THAT PORTION OF NATIONAL GUARD ROAD IN RICHLAND COUNTY, SOUTH CAROLINA, BEGINNING AT ITS INTERSECTION WITH BLUFF ROAD AND EXTENDING PAST THE SOUTH CAROLINA NATIONAL GUARD HEADQUARTERS BUILDING (THE TAG BUILDING) TO ITS CONCLUSION AS "STAN SPEARS DRIVE" IN HONOR OF MAJOR GENERAL STANHOPE SIFFORD "STAN" SPEARS, RETIRING ADJUTANT GENERAL OF SOUTH CAROLINA AND A TRULY DISTINGUISHED MILITARY LEADER AND PUBLIC SERVANT OF THIS STATE FOR OVER THIRTY YEARS, AND ERECT APPROPRIATE MARKERS AND SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "STAN SPEARS DRIVE".

H. 3871 -- Rep. Mitchell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST HENRY STREET IN THE CITY OF SPARTANBURG FROM ITS INTERSECTION WITH SOUTH CHURCH STREET TO ITS INTERSECTION WITH JOHN B. WHITE BOULEVARD "J. C. STROBLE BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "J. C. STROBLE BOULEVARD".

H. 4267 -- Reps. G. M. Smith, Weeks, J. H. Neal, G. A. Brown and Lowe: A CONCURRENT RESOLUTION TO HONOR WILLIAM T. "BILL" NOONAN, SUMTER COUNTY ADMINISTRATOR, UPON HIS RETIREMENT, TO THANK HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE PALMETTO STATE, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

**ADJOURNMENT**

At 5:25 p.m. the House, in accordance with the motion of Rep. BRANHAM, adjourned in memory of R. L. "Red" McElveen of Lake City, to meet at 10:00 a.m. tomorrow.

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